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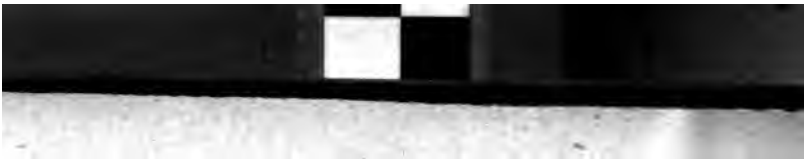

TESTIMONY

TAKEN BEFORE THE

SENATE COMMITTEE ON CITIES,

PURSUANT TO

RESOLUTION ADOPTED JANUARY 20, 1890.

VOLUME IV.

TRANSMITTED TO THE LEGISLATURE APRIL 15, 1891.

ALBANY:
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1891.

Q. Now, I find general orders No. 5, passed June 4th, of 1889, at page 17 of the report, refer to fuel wagons, fuel depots; members of department using fuel wagons and inferior fuel; and in paragraph four of those general orders, I find that the company commanders will forward special reports of effect of inferior fuel when used at fires on the steaming of the boilers, and state from what depot it was taken; now, have you ever heard complaints of inferior fuel being used? A. I have not.

Q. Do you know what necessitated the passage of a general order with respect to inferior fuel? A. I do not; I suppose it was in view that such a thing would happen; might happen.

Q. Do you know whether any provision is taken by the department to prevent any fuel being bought which is inferior in quality? A. The inspectors are -- the captains are expected to report anything in that respect to the board.

Q. You voted for this resolution? A. Yes, sir.

Q. Did you understand when you voted for it that there was inferior fuel at that time? A. I did not; I do not believe there was.

Q. Belonging to the department? A. I do not believe there was; there might have been.

Q. Do you know of any reason why such a rule should have been passed? A. For the simple reason that it might happen; in fact to prevent it — it would happen to a great extent.

Q. Now, I find in general orders No. 6, at page 19 of the report for June 5, 1889, that "hereafter, when notified, chiefs of battalions will cause a test to be made by companies of such hose in use by them as they may receive notice to test, in the following manner;" then it describes the form in which the test of the hose is to be made; now, what regulation is there, or what provision is there made by the board as to the manner in which notice to test shall be given to the chiefs of battalions? A. These orders are given by the chief.

Q. No; "hereafter, when notified, chiefs of battalions will cause a test to be made —" A. Well, the chief will notify them.

Q. But who notifies the chief? A. Why, nobody will notify the chief unless we should have a special case; if some special case should come to our knowledge which would make it desirable or necessary to examine the special hose.

Q. In general orders No. 7, of June sixth, I find reference made to supervisory engineers; what are supervisory engineers? A. Well, they are engineers; they supervise the various apparatus of the department in the various engine-houses.

Q. I think you must be in error in regard to that; this general order reads: "Assistant Foreman John Leonard, of engine company No. 36, and engineer of steamer James Rogers, of engine No. 24, are detailed as supervisory engineers and will attend all fires for which third alarms are sent out as follows —" then their districts are fixed? A. I can not say what their special duties are.

Q. You voted to detail these two men as supervisory engineers? A. Yes, sir.

Q. Why did you vote to detail those two particular men? A. Because they were recommended for that purpose by Chief Bonner.

Q. Do you know what the supervisory engineers do other than attend fires for which third alarms are sent out? A. I do not know what they do.

Q. Do you know how many fires third alarms are sent out for in the course of a year — take last year for instance? A. No.

Q. Do you know whether they have anything else to do under their detail except to attend such fires? A. Oh, I suppose they do; I do not know what they have.

Q. What do you think they have to do? A. I can not think about that; I have told you before that these are altogether matters in the hands and in the province and duties of the chief of the department, not of the commissioners especially; if I was to know and do everything the chief does there would be no necessity for the chief; he is an experienced fireman, knows how to work at it and I don't; I am not supposed to run to fires nor to suppress fires.

Q. Well, you are asked to detail Mr. Leonard and Mr. Rogers, are you not? A. Well, there is no objection to that in my part; the chief asked —

Q. You are supposed to know whether they are the best men to be detailed, are you not? A. I have confidence in the chief, that he knows the best men for that purpose, and for any other purpose that he does recommend.

Q. In general orders No. 7, June 6, of 1889 — the same ones to which I have just referred, I find later on reference to defective water supply or inferior fuel again; now, have any complaints been made to your board at any time, so far as you know, of defective water supply? A. Yes, sir; they have come to the cognizance especially of the chief and he has complained to us about it.

Q. Now, have any complaints been made of fuel? A. Not that I know of; I haven't heard of any.

Q. I find this following: Cannel coal of the poorest grade will not clinker on grate bars, for use in furnace of boiler; they will make

special mention in their reports of all cases where the coal is found to clinker when used at fires, stating to what extent and its effects on the steaming of the boiler; now, can you tell whether any provision is taken to find out before this coal is bought whether it will clinker or not? A. For the same reason that I would find out if I bought coal for myself.

Q. You would find out whether it would clinker or not? A. Yes, sir.

Q. Before you bought it? A. Yes, sir.

Q. And not after? A. Unless I had assurance that it would not clinker; unless the man I purchased it from would guarantee that it would not clinker.

Q. Do you know whether the coal for your department is bought on the guaranty that it will not clinker or after an investigation has actually been made as to whether it will clinker or not? A. It is bought on guaranty that it will not clinker, but still if it should be found out that it would, you would find out that the contractor did not keep his promise.

Q. You do not remember any special cases, however, where there has been a report of inferior fuel? A. Not inferior fuel; I have not.

Q. Now, I find that you voted on the twenty-second of June, for general orders No. 11, requiring company commanders to make inspections of hydrants in their company districts, providing that the company commanders will also count the number of hydrants and forward a statement of the total number of double and single hydrants and also the Victor and other patterns; now, in the first place, do you remember what called forth the passage of those general orders at that time? A. There is a scarcity, or, I should say, not a sufficient number of hydrants over the city, and the object of that was undoubtedly to get a report on that subject.

Q. What does this reference to "Victor and other patterns" mean? A. Well, Victor is one pattern and there are a number of patterns.

Q. Has the fire department any preference as to patterns? A. I believe it has.

Q. What is its preference? A. I can not say for which pattern it is, but I know that it is for the best article.

Q. Now, which does the fire department regard as the best article? A. That which is recommended by Chief Bonner.

Q. Does anybody assist Chief Bonner in the recommendation of the best article? A. Not that I know of.

Q. That is left entirely in the hands of the chief, is it? A. Because he is responsible for it; if he should want to have water and couldn't get it he would be blamed.

Q. On the eleventh of July you passed general orders No. 14: "The following rules relating to the manner of invoicing and of making a report of and return of a hose in use by the department, material used and how manufactured are hereby promulgated for the information and guidance of the force and will be adhered to: Rubber hose, rubber hose is manufactured from canvass duck and rubber in plies, in length fifty feet each and being of the following brands, Maltese Cross, L, weight about fifty pounds per link; Maltese Cross, weight about sixty pounds per link; Peerless, weight about sixty pounds per link; White Anchor, weight about sixty pounds per link; Fabric Hose, fabric hose is manufactured from cotton woven in plies, pulti-plies and jackets, all rubber lined, in lengths fifty feet each, and being the following brands, Eureka Multiply, weight about fifty-five pounds per link; Baker Ply, weight about fifty pounds per link; Unique Jacket, weight about fifty pounds per link; American Jacket, weight about fifty pounds per link; Surprise Jacket, weight about fifty pounds per link." Will you tell me in the first place what is meant by "invoicing?" "The following rules relative to the manner of invoicing or of making a report or return of the hose in use by the department —" A. Making the record showing how much there is on hand.

Q. Well, is a system provided which requires the captains to report the character, quality and amount of hose on hand? A. As to the amount of hose and wherein if it is defective.

Q. That is what is meant in this case by the word "invoicing?" A. I think so.

Q. To whom does the captain invoice this hose? A. Send report to the chief.

Q. Does the chief keep a hose account? A. I don't know; I suppose so.

Q. Does the chief keep an account with the captains charging them with the amount of hose received? A. I believe he does.

Q. In which account he also enters the reports of these captains as to the hose in their charge and custody? A. I don't know whether he — I don't believe he does that in details.

Q. Now, I find Maltese Cross L, Maltese Cross, Peerless and White Anchor set out in these general orders as the brands of rubber hose; how did those four particular brands of rubber hose come to be set out in these general orders? A. Because the chief preferred it so.

Q. It was done simply on the chief's recommendation? A. Recommendation.

Q. You know no more about it than that? A. No.

Q. You know that there are other brands of hose? A. I do.

Q. Have you heard that there were other brands of hose which it is alleged are as good as these brands? A. It is alleged; I have heard of it; yes, sir.

Q. Have you heard that there are other brands of hose alleged to be as good as these brands, which are purchasable at a price less than is now paid by the department for these brands? A. I heard it was alleged; yes, sir.

Q. Have you ever made any investigation relative to those allegations? A. Investigations have been made before my time.

Q. But not since your time? A. I believe the matter — yes, it was — a letter was written to the mayor, and that letter was sent to the department and the matter was referred to, to those previous communications had on the subject; inasmuch as the matter had been investigated once, I don't suppose there was a necessity to investigate it again.

Q. I find reference, under the title "Fabric Hose" to Eureka, Baker, Unique, American Jacket and Surprise Jacket; does the same answer which you made concerning rubber hose hold good concerning this, that that was done on the recommendation of the chief? A. Yes, sir.

Q. And you heard it alleged that there is other hose equally good which can be had at a cheaper price? A. I have heard allegations — yes; that allegations have been made; there are a great many allegations made by men who come to the department having patents and asking the department to adopt this or that patent, and they have a good deal of bother about it.

Q. This question of invoicing bothers me a little; I find in these same general orders "the officer in charge of the repair shops will, in delivering new hose, invoice it by the correct name of the brand, and hose not invoiced will be considered on test; at the expiration of each year's service a special report will be forwarded, giving all the particulars of its merits or demerits while in use by the company;" what do you understand that to mean in detail? A. In detail, I could not say what it means; and I can only repeat what I have said before, that I am not the chief of department.

Q. But you voted for this general order? A. Because the chief recommends it; anything which the chief recommends, in regard to the putting out of fire, I would vote for.

Q. Do you understand that under this, rubber hose of either one of these four classes, or fabric hose of either one of these five classes, may be delivered to the department and may be on test and will not be

invoiced until after the test is completed; is that what you unde stand? A. Yes.

Q. Does the fire department permit the reception and test of a hose other than hose of either the four or the five kinds named in th general order? A. I suppose it is received to be tried or has be received to be tried, has been tried.

Q. Well, now, you suppose it, but do you know whether any ho other than those named in this general order have ever been receiv for test? A. I do not.

Q. Or whether any such hose have ever been invoiced? A. I do n

Q. Now, I find on October 4th of 1889, under general orders nu ber eighteen, you provided that "all company commanders will ma an inspection of their respective company districts and report violations of law relating to this department that may be found exist therein." Can you tell me how often, or how fully, or und what regulation such inspection is made? A. I can not, except that is under the supervision of the chief.

Q. Do you know whether or not anyone is charged with responsib ity of seeing whether those inspections are made? A. I suppose t chief has the means of knowing.

Mr. IVINS.— If the committee please, the remaining questions I wi to ask this witness were in regard to appointments, but I find there no book kept in the department which groups the appointmen together in one single place, but the appointments are shown on t face of the minutes, and the secretary tells me he is looking them u so that I will have those taken out.

Senator FASSETT.— You better have some one who has time lo those up and take them out.

Mr. IVINS.— I will have those taken out, and in the meantime we c excuse the present witness, and will only recall him for this purpos

The WITNESS.— Can't you ask another witness on that subject? have no objection to it.

Mr. IVINS.— Yes; but we are going to ask all the commissione about it.

The WITNESS.— How will I know when to appear again?

Mr. IVINS.— We will subpœna you again when necessary.

HENRY D. PURROY, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Purroy, what is your business? A. I am a lawyer.

Q. In the practice of your profession? A. I give it such time as m duties as fire commissioner will permit, but I make the duties of fi commissioner first.

Q. You are also fire commissioner? A. President of the board of fire commissioners.

Q. How long have you been a member of the board of fire commissioners? A. Since appointed by his honor, Mayor Grace, in September; the certificate is made out in your handwriting; I think it is the 13th, 1881; I have it framed.

Senator FASSETT.—On account of the handwriting?

The WITNESS.—Yes; on account of my friend Ivins—

By Mr. IVINS:

Q. You are sure about the handwriting, are you? A. Yes.

Q. Confident? A. Positive—not Grace's signature, not the mayor's signature, but the body of the certificate.

Q. Will you look at that again when you go home? A. I will; I have it hung over my bed; I see it every night as I say my prayers.

Q. What is the term of a fire commissioner? A. The term of fire commissioner is for six years, ordinarily.

Q. Why do you say "ordinarily?" A. Because there is considerable question as to whether, if he fills a vacancy, he fills it for the full term or for the unexpired term of the person in whose place he is appointed.

Q. What is the statutory term? A. Six years.

By Senator FASSETT:

Q. For each commissioner as appointed? A. For each commissioner when appointed for a full term.

By Mr. IVINS:

Q. Then your first term must have expired? A. No; I didn't let it expire.

Q. What did you do to prevent its expiration? A. The insurance people of New York recommended me for appointment to the mayor, Mayor Grace again, and he thought I was such a successful officer that he reappointed me for another term.

Q. How much did your first term lack of expiration at that time? A. I would not be sure but to the best of my recollection it lacked something like two years.

Q. That certificate in my handwriting too? A. I would not be positive of that.

Q. Well, you know it was not, do you not? A. No; I do not; if I knew so I would say so, for I have no reason of withholding from you any information at all.

Q. Do you keep that over your bed? A. No; one will do me.

By Senator FASSETT:

Q. That one has substantially never expired? A. No; nor I don't intend to let it, just for a while.

By Mr. IVINS:

Q. You then, before serving the full term for which you were originally appointed, were appointed for a new term of six years? A. By Mayor Grace.

Q. Did the second term of six years expire? A. No.

Q. How did you manage that? A. Before the second term expired the insurance interests of New York, to a man, without exception, representing every single insurance company in this city, recommended me to Mayor Grant for reappointment and Mayor Grant reappointed me for another term of six years, which has nearly five to run yet, I am glad to say.

Q. At the time you were appointed by Mr. Grace, you were an anti-Tammany man, were you not? A. Well, I have been in and out of Tammany Hall so often with you —

Q. Oh, not with me? A.— that, really, I don't know exactly, but if you will give me time I will think of it now.

Q. Now, Mr. Purroy, you will please leave me out of this thing hereafter? A. I can't, Mr. Ivins, you and I are mixed up so.

Q. No; we are not; I deny that; we never have been and never will be. A. Well, you must excuse me now; you must not answer for me.

Senator FASSETT.— Then it is only fair, Mr. Purroy, that you should not answer for him?

The WITNESS.— Yes; I can only answer for myself. If I am wrong he can contradict me.

Senator FASSETT.— I think he can keep you quite busy answering his questions.

The WITNESS.— Probably he will, and if he does not, you will help him?

Senator FASSETT.— Yes.

By Mr. IVINS:

Q. When you say that you and I have been in and out of Tammany Hall, you must remember that you are under oath, and you must remember that I have never been in it? A. I am under oath.

Q. Don't you know I have never been in it? A. I didn't say you were in Tammany Hall.

Q. You said in and out of Tammany Hall? A. No; I said I have been in and out of Tammany Hall, and mixed up so with you, that really I don't know.

Q. When did you stop mixing up with me? A. When? Wait till I see.

Senator FASSETT.—I would like to get these little preliminaries arranged, and then we can get down to the fire department.

The WITNESS.—Certainly; I think it was sometime during Mr. Hewitt's term as mayor that you and I ceased to have daily interviews; pretty nearly.

Q. Was it not when Mr. Grant was running for mayor? A. No; no; it was when you were present in Mr. Grace's office one day, and he sent for me and told me I must oppose Judge Donahue, and I told him I could not do so, that I was under obligations and would not agree to any such proposition; you sitting at the desk next Mr. Grace; and that began the first break that Mr. Grace and I ever had.

Q. You supported Mr. Grant in his next campaign, did you not? A. I supported Mr. Grant the second time he ran; I helped to beat him the first time.

Q. You supported him the second time he ran? A. Yes.

Q. Then he gave you the long term, did he not, in the fire department? A. Yes; just as Mayor Grace did; I supported him, too, and he gave me a full term.

Q. You told us you did not intend to let your term of office expire? is that the way you intend to keep on running? A. Well, I am going to be a candidate for fire commissioner, I think; if my term runs out I am going to be a candidate again; I don't know though; I may change my mind.

Q. Are you going to get yourself in such a position that if you are a candidate you will surely be appointed? A. Well, I am going to try to have the insurance interests of New York behind me, and when I have those behind me I will feel confident of the mayor recognizing my merits.

Q. Do you think the city could get along without you? A. I think they will do without both of us.

Q. They will have to when you die, won't they? A. Yes; in both cases.

By Senator FASSETT:

Q. I want to understand this unexpired term a minute; is there any question about the mayor's right to take an incumbent and put him into a vacancy made vacant by the death or resignation of another

commissioner? A. I suppose his honor, Mayor Grace, inquired carefully from his advisers, Mr. Ivins and the corporation counsel and others, and made positive that he was doing right before he did that.

Q. I ask you if there is any dispute about it? A. I do not know of any.

By Mr. IVINS:

Q. Do you know, or did you ever know, that I advised Mr. Grace against you, and advised him against your appointment for the long term? A. Yes.

Q. Well, I did? A. And I ain't surprised a bit, you know.

Q. Then you must not make statements under oath concerning something you do not know anything about? A. I said I supposed, my dear boy.

Q. Has that precedent for appointing for the long term a commissioner who had an unexpired term ever been copied? A. Mayor Hewitt, when he appointed Mr. Croker for an unexpired term, made a memorandum, which is a matter of record, that the reasons he appointed Mr. Croker for the unexpired term was because Mayor Grace had done it in my case and I had proved such a good officer.

Senator FASSETT.—That was very complimentary.

The WITNESS.—I am only citing the records.

Q. Did Mr. Hewitt appoint Mr. Croker because Mr. Croker had proved such a good officer or because you had proved such a good officer? A. I am only telling you what his memorandum said; he said he followed the example because of the practice by Mayor Grace, it had worked out so well in my case.

Q. You, at that time, were sorry that he followed the example, were you not? A. I could not exactly say, but I think at that time, if my memory serves me right, that I was anxious to see another gentleman, Mr. Elwood Smith, reappointed; I think so.

Q. Did you not express that opinion at that time; that, all things considered, it was an example which had better not have been followed? A. No.

Q. Do you know of any reason why the law should be such that a commissioner having an unexpired term should be permitted to be appointed to fill a term which has expired and thus make possible such radical changes in the character of the board as that which prevails under this practice invented by Mr. Grace? A. The best of all reasons; that is, the securement for a long term of a good officer.

Q. You mean Mr. Purroy? A. Mr. Purroy, in the case of Mayor Grace.

Q. Now, Mr. Purroy, who has served in that board with you since you have been a member of it? A. Well, that is a little piece of memory, but I have got a pretty fair one and will try; I think, when I went in there that I succeeded Vincent C. King; that the commissioners whom I met were Hon. John J. Gorman and Hon. Cornelius Van Cott, the present postmaster; I think the next change in the board was when Cornelius Van Cott's term expired, though I would not be positive of this, and I was appointed in his stead; I think the next change in the board, if my memory serves me right, was when Hon. John J. Gorman was appointed by Mayor Edson a police justice and the Hon. Richard Croker took his place as fire commissioner; I think the next change was, if I remember right, when Fitz-John Porter came into the board.

Senator FASSETT.—You spoke of Mr. Croker as Hon. Richard Croker. Had Mr. Croker been holding office before that time?

The WITNESS.—Oh, yes; it is just as I would call you honorable because you are a Senator.

Q. You take that as a perfunctory sort of title, do you not? A. Yes; as a mere thing, which, as a public officer, I acknowledge to be a token of respect to me; I would call you Hon. Mr. Ivins because you have been a chamberlain.

Q. Well, go on. A. I have answed—the Senator interrupted me; after Fitz-John Porter, I think, were the appointments of his honor, Mayor Grant; I think they were Mr. Robbins, Mr. Eichkoff and myself.

Q. When you were appointed the second time by Mayor Grace, did you resign for the unfinished term before you were appointed to fill the finished term? A. My recollection is that I did.

Q. And both your appointment and the appointment of your successor went in simultaneously; were made simultaneously, were they not? A. One a little posterior to the other.

Q. Both made on the same day, were they not? A. I think on the same day.

Q. And announced at the same time? A. I think so.

Q. Then that involved the necessity of an understanding between yourself and the mayor before it was done, did it not? A. No; I had no understanding whatever with him.

Q. How was it when you were appointed by Mayor Grant; did you resign from your unexpired term before he appointed you to the new one? A. I think I did.

Q. Was that on an understanding with him? A. I think I had no understanding of any kind, except that I was told to forward my

resignation; that he was considering the fact of nominating me for long term.

Q. Did you forward your resignation, and just go out of o because you were told he was considering the fact, without any fur assurances? A. Trusted entirely to him, as I did to Mayor Grac am very, very confident.

Q. Confiding, you mean? A. No; confident of the integrity of pu officers and of their word.

By Senator Fassett:

Q. You took the risk, then, of being disappointed when you resigr A. Oh, yes, sir; yes, sir.

By Mr. Ivins:

Q. In neither of those cases did you have any conversation either mayor about the change that was to be made in your dep ment? A. To the best of my recollection, none whatever, except tell you; that I believe, in each case, I was requested to forward resignation, as he was considering and thinking very well of advisability of reappointing me to the full term; my resignation forwarded immediately.

Q. That statemant was made to you in that way, by whom? think, in both cases, by Mayor Grace and Mayor Grant.

Q. Personally? A. I think so.

Q. And in those measured terms? A. Oh, I wouldn't like, at distance, to measure terms, but I would give you the substance, a think it likely to be very correct.

Q. You have heard the testimony of Mr. Eichkoff, this morning? Yes; sir, such of it as transpired after my entering; you had a litt it before I got in.

Q. How many bureaus are there in your department? A. The the bureau of the chief of department, the bureau of the fire mar and the bureau of combustibles; Mr. Eichkoff gave the burea telegraph; it is a mistake often made, but the law does not create bureau.

Q. Well, is it practically treated as a bureau in your departm A. In a great measure in that way, Mr. Ivins.

Q. There is no reason why the law might not declare that to bureau, is there? A. And the fire marshal's; there is another the buildings — the most important of all; the bureau of buildin

Q. Under which of these four bureaus does the telegraphing technically fall? A. The telegraph work is practically under expert, Mr. Smith, J. Elliott Smith, and he is at the head of that o

Q. And he is not responsible to any of these heads of bureaus? A. No, sir; he is responsible directly to the board of fire commissioners.

Q. So that these four bureaus of which you speak are designated in the Consolidation Act as such? A. As bureaus.

Q. But the telegraphic bureau exists separately and apart? A. It is not a bureau.

Q. Well, we will call it a bureau for our purposes? A. Well, if you call it so, all right; only I want to try to —

Q. I understand it is not designated as such in the statute? A. No; you see the difference; as it is now, if it was a head of a bureau, he, you see very well, has cartain powers and rights that men who occupies the position of Mr. Smith, for instance, at the head of the telegraph office, does not possess.

Q. That is, with regard to removal only after trial, etc.? A. Yes, sir; that is one of the important rights.

Q. And Mr. Smith, not being a head of a bureau, has not that right? A. No, sir.

Q. So that you could dismiss him at once, if you wanted to? A. Yes, sir.

By Senator Fassett:

Q. He reports directly to the commissioners, does he not? A. Yes, sir.

Q. And he is a department rather of your own creation in your office? A. Yes; just like the secretary; the secretary is over the clerks; they are in headquarters floor.

By Mr. Ivins:

Q. Now, while speaking of that, to what part of your department do the Civil Service Laws apply? A. The Civil Service Laws apply to every portion of our department, except in the case of certain exceptions, which they themselves have made in the different bureaus.

Q. That is, you mean the civil service schedules have made? A. Yes; the civil service board has adopted a set of rules which make these exceptions, and the largest exception is in regard to minor grade employes, like laborers in the repair shops.

Q. Your secretary and assistant secretary; are they appointed under the civil service schedules? A. No, sir; the corporation counsel has decided that they are not subject to civil service schedules, and the civil service board has acquiesced in that decision.

Q. Now, who are the secretary and assistant secretary? A. The secretary is Carl Jussen.

Q. How long has he been in the department? A. Carl Jussen has been in the department many years before I entered; I could not give you the exact number of years, but he was appointed under General Shaler.

Q. Who is the assistant secretary? A. Mr. Burns.

Q. How long has he been in the department? A. He has been appointed, I think, within the last two years; when Mr. J. DeForest Burns, who was there before, was induced by the park commissioners to accept the position of chief secretary of the park department, that left the vacancy — one minute; I made a mistake there; when Mr. Burns left the assistant secretaryship and went to the chief secretaryship of the park department, Mr. John P. Dunn, who is now one of the assistant corporation counsel, succeeded him and then when he left Mr. Burns succeeded; is that right?

A VOICE.—No; there is one intervening — Vreeland.

The WITNESS.— Oh, yes; then Mr. Vreeland, who is now one of the assistant superintendents of buildings became chief secretary.

Q. And then Mr. Burns? A. Yes.

Q. Who recommended this Mr. Burns? A. Mr. Burns was recommended to me by the superior of Manhattan College.

Q. Did he pass a civil service examination? A. No, sir; the civil service people decided that he was not subject to it, and the corporation counsel gave that decision.

Q. You have three medical officers; are they subject to civil service examination? A. No, sir.

Q. Who are the three medical officers? A. Three medical officers — there is one chief medical officer, Mr. Ives, and two assistants, Drs. Joyce and Johnson.

Q. How long has Mr. Ives been there? A. Long before I entered the service.

Q. How long has Mr. Johnson been there? A. Long before I entered the service, I think.

Q. How long has Mr. Joyce been there? A. Shortly after I began.

Q. Who appointed Mr. Joyce? A. The board of fire commissioners.

Q. On whose recommendation or suggestion? A. The recommendation of a great many reputable people in his neighborhood where he was a practicing physician.

Q. Recommended to the entire board or to you particularly? A. To individual members of the board, myself among them.

By Senator FASSETT:

Q. You being president at the time? A. Oh, no.

By Mr. Ivins:

Q. What is Mr. Joyce's full name? A. Well, I think it is Robert A.

Q. Did you, at the time that you accepted these recommendations for the appointment of Robert A. Joyce, know that he either was under indictment or had been indicted? A. No; he was not; I know he was not; he was afterwards indicted.

Q. He was afterwards indicted? A. Oh, yes; not at all at the time he was appointed.

Q. How long after he was appointed was he indicted? A. I guess it must have been about three years; I could not be accurate; if you look at the indictment it will tell you.

Q. Can you tell me the date of his appointment? A. No; I can not, but the books will tell you; I don't carry them with accuracy in my head, although I have got a pretty fair memory; now, am I at liberty to explain?

Q. Yes; in a minute, please? A. Because I suppose the Senators will give me an opportunity.

Senator Fassett.— All the chance you want.

Q. The indorsement on the indictment was: "B. W., November twenty-eight to twenty-ninth; counsel, Spencer; filed 28th day of November, 1882;" you went into that board when? A. Eighteen hundred and eighty-one.

Q. September, was it not? A. September.

Q. "Pleads not guilty December seventh; People v. Robert A. Joyce, violation of election law; B. John McKeon, district attorney; a true bill, J. Edward Simmons, foreman;" he was indicted, as the indictment reads — "Said Robert A. Joyce, late of the city and county of New York, on the seventh day of November, in the year of our Lord one thousand eight hundred and eighty-two, the same being the Tuesday after the first Monday of said November, and being the day duly designated by law for the holding of a general election throughout the State of New York, and on which day there was such general election duly held throughout the said State of New York, and in the twentieth election district of the twenty-fourth Assembly District of the city and county of New York, at the election aforesaid in the said election district feloniously did then and there aid, counsel, advise, procure and assist one Patrick Doyle to then and there falsely personate an elector of the said election district, to wit, a certain other person by the name of Patrick Doyle, being an elector as aforesaid, to then and there vote at said election in the said election district, in and upon the name of the said last mentioned Patrick Doyle, said elector as aforesaid, against the form of the statute in such case made

and provided, and against the peace of the people of the State of N York and their dignity; and the grand jury aforesaid by this indi ment further accuses the said Robert A. Joyce of the crime of viol ing the election law, committed as follows——;" then follows second count upon the same alleged crime.

Senator McNAUGHTON.—Was there a trial on that, Mr. Ivins?

The WITNESS.—No; it was *nolle prosequied*, as Mr. Ivins will tell y

Q. Now, if Mr. Purroy will explain, so far as he knows, w happened? A. Yes; as Mr. Ivins knows, we have a district called t twenty-fourth Assembly district, where politics are very lively, a in that district people sometimes get very much excited; they indu a young man, in my opinion, of very poor character — the oppositi those that were opposed to those whom I supported — to go do and swear that he was offered a dollar by Dr. Joyce, to vote in anot man's name, and under that, Dr. Joyce, under the allegation that had spent a dollar to influence a man's vote, was indicted; Dr. J made every effort in the world to bring on a trial; it was postpon in my opinion, for the reason that they knew very well that it co not be established against him, until they had accomplished the p pose of being made public, and after that was accomplished t *nolle prosequied* the indictment.

Q. Do you know how they came to nolle that indictment? A suppose, led by the ends of justice.

Q. Did you help lead the ends of justice? A. In that ca not at all.

Q. Do you know who did? A. No; I suppose the district attorn

Q. Do you know Mr. J. Edward Simmons? A. Mr. J. Edw Simmons — was he the gentleman that Mayor Grace made —

Q. He was the foreman of that grand jury. A. —appointed to board of education?

Q. Yes. A. Yes.

Q. You know him as the man who presided at the Tammany H meeting last week, do you not? A. He presided at several meetin, I was not at every meeting; I don't go to all the Tammany meeti any more than yourself; I wasn't there.

By Senator FASSETT:

Q. You don't mean that, Mr. Purroy. A. I say I don't go to of them any more than he does.

By Mr. IVINS:

Q. You have no desire to try to make it appear that I am an ad cate or member of Tammany Hall, have you? A. No; but you h

a desire to make it appear that I know everything that is going on in Tammany Hall, and I am a very insignificant man in Tammany Hall.

By Senator FASSETT:

Q. How long since? A. Oh, I have never been a very great man, never.

By Mr. IVINS:

Q. You know J. Edward Simmons, do you not? A. I have met Mr. J. Edward Simmons.

Q. He is president of the Fourth National Bank in this city, is he not? A. I don't know whether he is or not.

Q. He is a reputable estimable man, is he not? A. As far as I know.

Q. He was the foreman of the grand jury which brought in this indictment? A. I don't know whether he was or not; you can ascertain that.

Q. Well, the books show that; now, do you know of anyone who did intercede in the district attorney's office to secure the nolleing of the indictment against Dr. Joyce? A. No.

Senator MCNAUGHTON.—When it was secure, the date of it, does it tell?

Senator FASSETT.—The date the *nolle prosequi* was entered there?

Senator MCNAUGHTON.—Yes.

Mr. IVINS.—The date of the nolle is not entered here; I can give it to you.

By Mr. IVINS:

Q. Do you know what sum he was bailed in? A. No; I do not; never had anything to do with it.

Q. Didn't Hugh Ferrington go on his bond? A. Never; didn't know he was on it.

Q. Mr. Ferrington is a friend of yours, is he not? A. Very good; he is dead; you are talking of a dead man.

Q. He was? A. Yes; you said, is; he is in Heaven now.

Q. You did not ask him to go on that bond? A. No; I did not have to ask any of Joyce's neighbors to come to his support.

Q. Will you describe generally, the duties of the three medical officers; first, the chief medical officer, and then the two assistants? A. The duties of all the medical officers are about the same, except the fact that the chief medical officer comes to headquarters generally every day; makes a report there at headquarters every day, whereas the others are in the districts; we have a force running from a thou-

sand to a thousand and thirty odd, and these three men are bou duty to visit all the members of the force who are sick or who pr to be sick.

By Senator FASSETT:

Q. How many men are there altogether of these doctors? A. T

By Mr. IVINS:

Q. Do they also make examinations of applicants for admissi the force? A. Yes, sir; either singly or as a board.

Q. Is there any rule in regard to that? A. No rule that I knc

Q. It may be done either singly or as a board? A. Yes, sir.

Q. Now, do you ever know of either of these medical of having passed as physically qualified for the position of firemar person who was not so qualified? A. No, sir; I do not.

Q. Do you know Peter Schmidt? A. His name is not Schmidt are getting that wrong; it is Smith; he is an Irishman; do not him a German.

By Senator FASSETT:

Q. May be he had a German mother? A. No — Peter W. S he is as Irish as the hills of Connaught.

By Mr. IVINS:

Q. What department is Mr. Smith in? A. Mr. Smith is in the York fire department.

Q. In what bureau of that department? A. Mr. Smith is j in charge of the hospital stables, and in charge of all the h during the night time when the superintendent of horses is al

Q. Is it necessary for the janitor to be a member of the unifc force? A. We thought it was best in 1882 to adopt the recommenc of the superintendent of horses, and that recommendation was in this way, if you wish me to tell you; somewhere prior to Peter W. Smith was employed as janitor in charge of the ho stables; Peter W. Smith was a man who, through his whole life had been engaged in the care of horses; shortly prior to that h in charge of the very large and extensive stables of Miss Shrady, a very wealthy lady of Kingsbridge; she died, and he lo place, and he was recommended by the superintendent of hors us as one who would be a fit man to take charge of the stables d the night time, the sick horses; we have a large stable; he appointed there, and while he was in the department, he prove fitness and capability; so much so that when there was dang

losing him, the superintendent of horses came to us and urged upon us the appointment of Peter W. Smith as a member of the uniformed force; we thought well of it, because in several cases where we found people of peculiar fitness in certain things, that it was wise to have them members of the uniformed force, so that they could be under our discipline both night and day; at that time the civil service rules did not apply to the fire department; the only qualification for a member of the force at that time, was that he was a citizen of the United States, and capable of reading and writing; we took up the recommendation of the superintendent of horses; we referred him to the medical officer that was present when he came down — I think it was Dr. Joyce; Dr. Joyce reported to us that he was physically capable, and we appointed him; Dr. Joyce said at that time, he stated at that time that there was a slight injury to Smith's right hand, and he said that he did not think it ought, in any way, incapacitate him in any way for service in the department; that would not apply anyway, as we had power, under the laws as they stood then — we thought it a wise thing to get him in our service; we appointed him in our service, and he has performed the duties since faithfully, and has justified our appointment in that regard.

Q. Is the salary of the janitor and the salary of a member of the uniformed force the same? A. No; I can not be positive unless I get the pay-rolls; I came here suddenly, but I have an idea that when he ceased to be janitor — he always performed the duties of janitor, but when he ceased to be the person who was not connected with the uniformed force, I think he was getting a little bit more salary than he was when he was appointed a member of the uniformed force; because when you are appointed on the uniformed force, you have to go up through grades, but the appointment on the uniformed force held out to him the chance, if he behaved himself and performed his duties faithfully, of going up with the grade each year, for that is the law.

Q. Has he gone up? A. He has gone up.

Q. Is he now third grade? A. I think they call it third grade first, second grade next, and first grade after that; but it may be that that is reversed, and it is first, second and third.

Q. Don't you know which is first, second and third grade? A. I do not know exactly how they designate first, second and third, or third, second and first.

Q. If I were to ask you if a third grade fireman was superior in point of service and promotion to a first grade fireman, what would your answer be? A. My answer would be, as I told you before,

that I am inclined to believe that the third grade fireman is lower th the first grade fireman.

Q. But you are not certain of it? A. There may be a possibility mistake, for they designate these officers in peculiar ways at tim but I think there is no doubt that it is right; the third grade is t older one, second next higher and the first is the highest, and t grades are distinguished only from this fact, that when you first into the department you are appointed at a less salary, and you a required to serve a certain term, and then, if they serve faithful during that term, at the end of each year, if the chief departme reports that everything is right, you go up a step, and at the end that year you go up a step, and if he don't we lay them over anybo the chief reports against.

Q. That also gives him the benefit of retirement at a proper ti and of the relief fund; does it not? A. Gives him the benefit of t uniformed force.

Q. If he were to-day to present himself for examination as a me ber of the uniformed force, could he pass the medical examination qualified? A. There is a little up-town paper called the *Call*, and t other night it published these applications; as soon as they did, I s for the medical officer and asked him all about these things, and give you the facts to-day; he tells me that shortly after Smith v appointed; a couple of years after he was appointed, that an absc broke out in his wrist, and that it has somewhat impaired his wr worse than when he first went in, but that he is still perfectly fit perform his duties and perform them to the satisfaction of the depa ment and his superiors.

Q. Now, you have bookkeepers and clerks; nine of these; do th fall within the requirements of the civil service rule? A. Yes, sir.

Q. I find Edward Savage as one of the bookkeepers; how long h he been in the service? A. Well, Savage antedates me, and you kn how long I have been there.

Q. William P. Allen as a clerk; how long has he been there? He antedates me too; grown gray in the service.

Q. Henry W. Siebold; how long has he been there? A. Henry Siebold was appointed since I have been a commissioner; he was fi appointed a boy to run the elevator, and after serving there for o a year, he passed a civil service examination and came to us from t civil service commissioners, and was appointed to a minor clerksh

Q. Did you not recommend him to the civil service commissione A. He made application to us under the civil service rules for opp tunity to be examined for a minor clerkship, and we forwarded application with the statement that he was a very good boy.

Q. And certified to his ability and character? A. Certified to his being a faithful employe of our department; in so far as we knew; a young man of good character.

Q. He lives in your district, does he not? A. My district is the twenty-fourth; isn't it?

Q. Yes. A. He lives there.

Q. He is a brother of Mr. Siebold who was assistant street cleaning commissioner, is he not? A. Mayor Grace had him appointed; it was street cleaning commissioner.

Q. You asked Mayor Grace to do that? A. Oh, no; I joined with gentlemen who asked Grace.

Q. Did you tell Grace what Siebold's antecedent character and history had been when you joined with them? A. As far as I knew him; I think you will find out that is all right just as in the case of Joyce, if you go into it.

Q. David Graham is also a clerk; how long has he been there? A. He antedates me; there are no removals in the fire department so far as men do their duty; men there date back to the flood so far as I know; they were there before I came.

Q. But you are the judge of that duty are you not? A. Yes, I am the judge of their duty, and they think a severe one.

Q. William J. Finley is down here as fire record clerk; how long has he been there? A. I think Mr. Finley was appointed about two years ago; I would not be sure about that, but it is within two years.

Q. Was he appointed after civil service— A. After civil service examination.

Q. Recommended by the board? A. His name — no, he was not in the board; he was not recommended by the board if I remember right; I think he was one of those who went to the civil service, got his blank and came to us; and I want to say that if you ask the civil service commissioners, you will find that we are one of the boards in the city of New York that have always upheld their hands and sustained them in every respect, never had the slightest bit of friction with them.

Q. Did you know Mr. Finley before he made his application? A. Never saw him.

Q. Frank H. McElwee is a cle rk; how long has he been there? A I can not tell, but he is one of the old timers too; he is a young man, it may be Van Cott after I first went there appointed him; I do not know, but I think he was a gentleman that was in the service before I went in, I am not sure of that though Ivins, or Mr. Ivins, I am forgetting my politeness.

Q. William H. Hart, how long has he been in there? A. Mr. Hart is a young man who has been a long time in the fire service; he was

employed first in a minor capacity, and then he made like Mr. Siebc an application to the department for opportunity to go before t board and to be examined for promotion; he went before the ci service board, passed examination, was certified to us as fit, a appointed when the first vacancy occurred.

Q. Have you a gentleman in your department named John Hart the repair shops? A. John Hart is a wheelright in the repair sho

Q. Is this Mr. Hart any relation to John Hart? A. I think they a related.

Q. He is his son, is he not? A. I could not tell you that; I thi they are close relations; I do not know whether son, or uncle, or wl he is.

Q. Is he not a brother of Inspector Hart of the excise departmer A. I did not ever know that there was an Inspector Hart in the exc board; I am not up on the patronage question at all, Mr. Ivins; ne been in the excise board to ask for an appointment.

Q. Did you know that John F. Carroll is property record cler A. John F. Carroll; yes.

Q. What are the duties of property record clerks? A. We have the fire department a system of property records; it is an effort keep a record from the time there enters the possession of the depa ment any bit of movable property until the time it is destroyed disappears or is used up.

By Senator FASSETT:

Q. That is the property of the department? A. That is the prc erty of the department.

Q. Movable goods of the department? A. Movable goods of t department.

Q. Does that include engines and all sorts of material for use? It includes everything in the way of movable goods.

Mr. IVINS.— Now, while we are talking of that, I call the attenti of the committee to section 424 of the Consolidation Act, which aft saying that the board of fire commissioners shall possess and exerci fully and exclusively all powers and perform all duties for t government, management, maintenance and direction of the fi department in this city and the maintenance thereof, saying that t said department shall have sole and exclusive power to extingui fires in the city, provides that all real estate, fire apparatus, hos implements, tools, bells, bell-towers, fire telegraph, and all proper of whatever nature in use by the firemen or fire department of t city belonging to said city, shall be in the keeping and custody of tl

fire department and for the use of said department; but such property shall remain the property of the mayor, aldermen and commonalty of the city of New York, subject to the public uses of the said department as aforesaid and for the purposes provided by this chapter, and whenever any of the said property shall no longer be needed by the said department for the purposes of this chapter, they, meaning the fire department, shall surrender the same to the said mayor, aldermen and commonalty.

The WITNESS.— That has been amended you know, Mr. Ivins.

Q. In that regard has it been amended? A. It has been amended to provide now that certain property in the possession of the fire department, which becomes useless, may be sold under public auction and the proceeds turned over to the relief fund.

Q. When was that provided? A. About three years ago, I think, but you must not hold me too accurately to dates unless you let me get at my books.

Q. It is sufficiently near; about three years ago.

Senator FASSETT.— Two or three years ago?

The WITNESS.— It is not as far as that Senator, I guess you voted for it.

Q. I presume so; did you recommend it? A. I only met you once Senator, and I didn't have a chance to even recommend anything to you; I will hereafter whenever anything comes up.

Mr. IVINS.— That is one of the points I wanted to bring out here, and I wanted to bring it out in connection with section 431 which provides also that certain license fees shall be paid, and that certain suits or actions shall be brought for the recovery of penalties, etc., and then provides that these moneys received from license fees, or the proceeds of suits where actions have been brought and judgments have been entered, shall be applied by this department to the uses and purposes of the relief fund of the department, and the said board may bring any suit or action for the enforcement of its rights and contracts; I simply call the attention of the committee to these facts at this point as showing that this department stands, in certain regards, on a somewhat different footing from the other departments, because they are spoken of as departmental contracts, departmental rights, instead of the contracts and rights of the city, and because section 424 says in term that this property shall be the property of the city, but shall be in the custody of the department, and now the law provides that when used up or ready for sale the proceeds shall be given to the relief fund.

The WITNESS.—Only of certain goods. I will tell you what they are, if you like.

Q. Tell us what they are in detail? A. Well, old used up apparatus, worn-out horses, any kind of goods.

Q. Now, tell us what they are in detail? A. Well, any old used up apparatus, worn-out horses, any kind of goods used by the company, such as tenders to hook and ladders, anything that way that are broken or unfit, when certified to us, if an examination shows they are of no further use to us, we have them advertised publicly, and we notify bidders, and they come very often from the country places around, and whatever the price is, it goes to the relief fund.

Q. Does this property record clerk keep a history, so to speak, of the life of each machine, showing what it has cost for maintenance and repair, and how long it has lasted? A. Well, I am not a soldier, but it is an effort revived in our department, the army record system; it was established by General Shaler, the army record system, which kept a record of every little thing which came into the department, and it is an effort in regard to all movable property to trace it from its first entry into the department until the time that it is either destroyed or leaves us properly.

Q. Well, now, is there a record kept in the department of a case of this kind; a new engine is bought; after a while it needs to be repaired, after a while it is repaired again, after a while it is repaired again, and after a while it is condemned and sold and the proceeds applied to the relief fund; is there any record in the department which shows you exactly how long the machine has lasted, and what it has cost to keep it in useful repair? A. Yes, sir; there is.

Q. So that the history of each machine can be shown? A. I think I could, through the books, follow down the course of any engine that came into the service.

Q. And show the average life, as they call it of those machines? A. If you give me opportunity and time, I think I could furnish you with all the facts.

Q. Is that kept by the property record clerk? A. In a measure, not altogether.

Senator FASSETT.—You mean you have data from which those facts could be gleaned?

The WITNESS.—Yes, sir.

Senator FASSETT.—But you do not keep any such separate account of every machine?

The WITNESS.—We would have to glean those facts from various records in the case of an engine; may be Clapp & Jones' engine that

had been sent up the Hudson, for instance, and repaired in the shop, maybe, and then an accident occurred to it and a wheel was put on it in the repair shop here, then may be it had burst some tubes and had been sent to the boiler shop near our department, something of that kind, I could find that all out for you in any case.

Q. This Mr. Carroll was appointed— A. Long before I went into the service.

Q. Long before you went into the service? A. Yes, sir.

Q. Albert P. Fuller is the supply clerk? A. Yes, sir.

Q. When was he appointed? A. I think by Mr. Van Cott long before I went into the service.

Q. What are his duties? A. Well, Mr. Fuller is, as his name designates, the man who purchases supplies for the department; if we want any chairs, if we want any carpets, if we want any lap robes, if we want any pens or paper, or ink, or anything of the kind such as the *City Record* does not furnish, for instance, anything that the law authorizes us to have, it is apt to pass through Mr. Fuller's hands.

Q. Do supplies such as engines, hose, trucks and things of that kind pass through his hands? A. No; he has nothing to do with those things, nothing at all.

Q. This merely refers to supplies of a minor character? A. Yes, sir; that is chiefly what it applies to.

Q. Michael J. Phelan is janitor of the building? A. Long before I went into the service; you will find that is so all through the fire department; we never remove anybody without charges; lots of Republicans are there.

By Senator Fassett:

Q. They are good men? A. Oh, yes, sir; I find them splendid.

Q. You keep them there, but you do not put them in? A. Yes, I do; I put a man in for one of your colleagues here not long ago.

By Mr. Ivins:

Q. Who was it? A. He was the husband of this lady that is on the stage that is making such a name in the Clemenceau case, Miss Sybil Johnson — her husband.

Q. What does he do? A. He was one of the best machinists we had when he was in the shop.

Q. Now, you say that you have made no removals, and that most of these men were appointed prior to your going in? A. Oh, no; most of what men; the men you named, Mr. Ivins, where I told you that they were appointed before I went in, that is all true.

Q. You then went off generally? A. Yes; I say that you will find in the fire department a number of men who antedate my arrival in the department and who have never been disturbed and who are among the warmest friends I have.

Q. Now, I call your attention to the fact according to your report of 1889, page 59, it appears from and including 1882, to the first of this present year, there were appointments to the extent of 463? A. Oh, yes, sir.

Q. In the uniform force? A. Yes.

Q. And I find that from 1865 to date there were appointments numbering 1,002? A. Yes, sir.

Q. And that you consequently during your term have appointed forty-six per cent of the entire uniformed force of appointments made since 1865? A. But to be honest, you must make a distinction.

Q. You make the distinction? A. I know you want to be fair; I did not refer to the uniformed force; you were speaking of clerks; you now bring in the uniformed force.

Q. No; you went on speaking of the department generally? A. No; I did not; I was alluding to the class of gentlemen that you were speaking of.

Senator FASSETT.—Your language was: "So you could go right through the fire department."

The WITNESS.—Well, even that; if you want to try to put me in that position, which was not the one I took.

Senator FASSETT.—We do not want to put you in any position whatever.

The WITNESS.—I will do everything to oblige you that is correct. I will say that in the uniformed force there are many of our best men who were there before I went there, but I was speaking of the class of men that Mr. Ivins cited to me individually; using their names.

Q. There were good men there before you went there? A. And good men after — better after, I think.

Q. And the department was run very well before you went there, was it not? A. Very well, but better since.

Senator FASSETT.—You seem to be a very modest man?

The WITNESS.—Yes, sir; but I have to tell the truth, you know.

Senator FASSETT.—Is there any reason why you want to continue this examination this afternoon?

Mr. IVINS.—I want to continue it until half past 4.

The WITNESS.—Might I say a word? I would like very much to have this examination continued right along, as long as you gentlemen can, for this reason: I have been attacked in certain papers

charges have been made, and you know I am anything but belligerent; I never like to say anything against papers, and I want every opportunity afforded to the public to know whether there is any truth in any of these statements. It has been said that I acted illegally, and they have even hinted that I acted corruptly. I think that is the first time that even a hint of that kind has been uttered since I have been a commissioner, and I am only anxious to have anything that can be brought up showing that I have acted illegally or corruptly produced.

Senator FASSETT.— This is the first time your department has been investigated, has it not?

The WITNESS.— Oh, no. My heavens! under Hewitt, if he could have put me in a gridiron and roasted me, he would have done it. He had his commissioners of accounts, and they investigated it from top to bottom. Somehow or other I have not been able to agree with half of the mayors of the city of New York, and whenever you disagree with them the first thing they do is to investigate you.

Senator FASSETT.— All I can say for the committee is, that we shall not be able to finish your department either to-day or this week, probably.

The WITNESS.— I am very sorry.

Senator FASSETT.— But before we get through with you, you shall not have any reason to complain that we have not given you the greatest possible opportunity.

The WITNESS.— I have no doubt of that. That is, I suppose, to mean something that is very severe.

Senator FASSETT.— Not at all.

The WITNESS.— You can not be too severe. I do not want to oppose you. If there can be anything produced, I am here until midnight to answer it.

By Mr. IVINS:

Q. Have you heard that any charges have been made by this committee against your department? A. No, sir.

Q. Have you heard that I made any charges? A. No, sir.

Q. Then what are you talking about? A. I am not talking about you at all; what am I talking about? Are you the only one that I can talk about?

Senator FASSETT. — You have announced yourself as a Lord Chesterfield.

The WITNESS.— No; only as the humble imitator of him.

Senator FASSETT.— See if you can not succeed in imitating your model better.

The WITNESS.— Well, if you are the judge, I will do everyth can to please you.

Q. Do you understand that this is simply a legislative inquest the management of your department? A. I have not heard it de yet what it is.

Q. Did you read the resolution under which this committee is ing? A. No; I did not.

Q. You have not been served with any charges? A. No, sir.

Q. Have you ever known of any charges having been formu against you or your department? A. By whom?

Q. By anybody? A. No; I do not think so.

Q. Then why do you regard yourself as on the defensive? A I do not; I only say that the press, the *Evening Post*, to be pr has in its issues referred to some of the matters in regard to you have questioned Commissioner Eichkoff, and I say I am onl anxious now if it can be shown that I acted either illegally or ruptly, to have that shown.

Senator FASSETT.— Why did you say it meant something seve me to say that before we get through you should not have occasion to complain?

The WITNESS.— I did not say it meant anything severe. If yo ask the stenographer he will correct you.

Senator FASSETT.— If you will not just disabuse yourself, if you the idea that we are putting you on trial for any other purpose to get at the precise condition of your department, perhaps tha relieve your mind a great deal.

The WITNESS.— My mind does not need any relief at all. It easy as anything you ever saw in your life.

Senator FASSETT.— Then there is no special reason why we sl sit here until midnight.

The WITNESS.— Not unless you decide to do so.

Senator FASSETT.— You would be abundantly satisfied with wha way we decide to conduct the examination.

The WITNESS.— No; I would rather you would go on until midr

Senator FASSETT.— You would?

The WITNESS.— Yes, sir.

Senator FASSETT.— Without dinner?

The WITNESS.— Yes, sir; without dinner.

Senator FASSETT.— We won't do it.

The WITNESS.— I do not doubt that. [Referring to message received.] Here I get a message from the mayor that I mus over to the board of estimate and apportionment. Now I will

charges, I suppose, preferred against me if I send back word that I won't go.

By Mr. Ivins:

Q. Do you think the mayor would make charges against you if you did not go? A. I do not know.

Q. Do you think the mayor has the power to command of you to appear before him when you are before a Legislative body? A. I do not know; I am not positive on those points; I think probably you could get me off by telling him you want me here.

Senator Fassett.— We do not like to spare you, but we will yield to the request of the mayor, because we do not want to interfere unnecessarily in public business, and you can be excused as a witness.

The Witness.—They want me to-morrow. Am I to be here to-morrow?

Senator Fassett.— If you are in such haste to be examined as a witness, we shall be here to-morrow and will expect you as a witness.

The Witness.— You want me here to-morrow?

Senator Fassett.— Yes.

The Witness.— I will be here if you want me.

Senator Fassett.— And bring your Chesterfieldian code with you too, if you please.

The Witness.— Yes, sir; and I will be very happy to take advantage of your instructions.

Adjourned to October thirtieth, at 11 A. M.

New York, *October* 30, 1890.

Present — Senators Fassett, McNaughton and Birkett.

Examination of Henry D. Purroy, continued.

By Mr. Ivins:

Q. I find the name of John Schneider, as machinist, at headquarters; how long has he been in the service, Mr. Purroy? A. I think Schneider must have been in the service something like eight years; he was formerly a driver, assigned to duty like me, but in the last two years — he was a machinist, and he fitted himself for the position as engineer, passed his examination successfully, and was made a stoker and then promoted.

Q. What does the machinist at headquarters do? A. I want to say first, Mr. Ivins, that I refresh my memory on one question that you asked me yesterday that I told you I was not able to answer positively; you asked me if, when I was appointed, I was a Tammany Hall man; I looked up that thing and found that I was a member of the Tammany

Hall general committee at that time, and that my name was present by the executive committee to Mayor Grace, and I remained as su until after I was appointed and until November 25, 1881, when ceased my connection through being expelled because I refused t act against Mayor Grace; I looked that up last night so as to get th dates right.

Q. Before going on with this list, let me ask you another questio that bears on part of your testimony of yesterday? A. Yes, sir.

Q. You said your department had been investigated before A. Yes, sir.

Q. Will you describe to the committee the character of that inve tigation, and by whom it was conducted and how far it was pursued A. Well, I will tell you what I refer to; during one of Mayor Grace administrations, I can not remember which, they made ridiculo charges in regard to my using improperly some of the horses of t fire department.

Q. You say they made charges; who? A. I could not tell you w they were; people sent communications to one of the newspapers.

Q. It was through the newspapers that the charges were mad A. Yes, sir; and the mayor noticed it, and immediately I wrote to t mayor and the mayor called upon me to furnish a reply and a stat ment thereto, and I did it to his entire satisfaction and he exonerat me from all blame in the matter.

Q. That was on that particular matter of the use of the horses, w it not? A. Yes, sir; but I have any number of memoranda here fro Mayor Grace, Mayor Hewitt and all the mayors, commending n management of the department right up to date.

Q. You say your department has been investigated? A. Yes, si

Q. Has it ever been investigated as a department; has it be investigated by any Legislative committee? A. Not by any Legisl tive committee, but it has been investigated.

Q. Do you know of any reason why the affairs of the fire depa ment should not be thoroughly, fairly, properly inquired into? No; if they are fairly inquired into it is the most proper thing, but has been investigated.

Q. Has your department— A. I was going to tell you anoth investigation.

Q. Let me ask you another question right here? A. You shut n off before I gave you the answer in relation to the investigation.

Q. I will bring that out by questions just as well; have you ev been investigated by the commissioners of accounts? A. Oh, yes.

Q. Now, tell us when and by which commissioners of accounts y

were ever investigated? A. When I arrayed myself against Mr. Hewitt on account of the doctrines that he announced, he immediately sent his commissioners of accounts into our department; they began an investigation; they endeavored to seduce our clerks; they nosed into every thing that they thought might possibly disclose something, and one of them thought he did discover something, and I understand he furnished you with something that he thinks is important — they tell me so — I do not know whether there is any truth in it or not, but just as soon as you look into it, I think you will find that the gentleman is not reliable.

Q. Which commissioners of accounts were those? A. Under Mayor Grace, the commissioner that took command of that was a gentleman named Sherman; he had been under various mayors, but he owed his allegiance chiefly to Mr. Cooper, who was his immediate sponsor — Mr. Cooper and Mr. Hewitt.

Q. You said that this investigation was made during Mr. Hewitt's term? A. Yes, sir.

Q. Who were the commissioners of accounts that made the investigation during his term? A. One commissioner that took command of it, it was the gentleman that I named, Mr. Sherman, and he owed his appointment to Mr. Cooper and Mr. Hewitt, having served under Mayor Cooper.

Q. Well, Mr. Sherman at the time he made this investigation was holding his office at that time by the appointment of Mr. Grace? A. No; the commissioners of accounts run out with each mayor.

Q. Are you sure of that? A. Yes; Mr. Grace may have appointed these men.

Q. We may as well get right on this; the fact is, that Mr. Sherman had been appointed by Mr. Grace? A. And was allowed to hold over, it may be.

Q. And he held over as the other commissioners of accounts held over? A. But he had held under Cooper first.

Q. There was another commissioner of accounts there, was there not, with Mr. Sherman at this time? A. Mr. Adamson.

Q. Mr. Adamson had also been appointed by Mr. Grace, had he not? A. Yes, sir; but he was different from the other gentleman, for he never had been appointed by Mr. Cooper.

Q. He was appointed by Mr. Grace in 1885, Mr. Adamson? A. Yes, sir; but not by Mr. Cooper before that.

Q. Mr. Adamson had been appointed in 1885, had he not? A. I do not know what year, but he was appointed by Mr. Grace.

Q. And he was appointed on your recommendation, was he not? A. No, sir; I was one of the men that recommended him.

Q. Did you not ask Mr. Grace to appoint Mr. Adamson, as he was your friend? A. No, sir.

Q. Would you be surprised if I were to call witnesses who could prove that you did ask Mr. Grace to appoint him? A. No; will tell you just exactly what I did do; I was one of those who recommended Mr. Adamson warmly to Mr. Grace, as I have already said, but there were many others that recommended Mr. Adamson to Mr. Grace; and I remember a committee of property owners who went to Mr. Grace's house and asked him to appoint Mr. Adamson; I knew they were going there, but I did not go with them.

Q. You thought it was not necessary? A. I did not know whether it was or not.

Q. At the time this investigation was made by the commissioners of accounts; the commissioners of accounts were Messrs. Sherman and Adamson, were they not? A. They were the commissioners of accounts at that time.

Q. And Mr. Adamson was your friend? A. Mr. Adamson was my friend; Mr. Sherman was my friend.

Q. Now, you say that these commissioners of accounts went to your office? A. No; I did not say that they came to my office.

Q. The commissioners of accounts— A. I said Mr. Sherman was the commissioner, but I did not say that he went to my office; I said that the men he sent there went to the office.

Q. Did Mr. Sherman never go to your office? A. Yes; on two or three occasions, but he never indulged in the work that I speak of.

Q. You say they tried to seduce your subordinates? A. Yes.

Q. Who do you mean by "they?" A. The employes that came in there.

Q. Which one of the employes? A. I think a man named Melville, who lately testified that he was a liar on the stand when you questioned him.

Q. Now, how did he try to seduce your subordinates? A. By taking them out to dinner, by insinuating in any way that he could, as it was reported to me, "isn't there anything wrong here; couldn't I look at this; how is this;" and so on — all the little ways of a trickster.

Q. What did he try to seduce them to do? A. To see if any of them were disappointed or sore, or could furnish any kind of information that would be of use to him.

Q. Now, what particular investigation did he or his fellow clerk's

make of your department? A. They investigated everything in connection with the bookkeeping and management of the department.

Senator FASSETT.—In the office?

The WITNESS.—Yes.

Q. Did they call witnesses? A. I do not know; they conducted it themselves; the only part that I know of it is that they were in the office.

Q. You know that they were in the office and through your books? A. They went through everything in the office and every one of the bureaus.

Q. The commissioners of accounts never subpœnaed witnesses and had open investigation and examination of your department, did they? A. I could not tell you that; I do not know.

Q. Now, do you know, as a matter of fact, that from time to time, the commissioners of accounts or their clerks go into all of the departments for the purpose of looking at the books? A. Yes; I think they do go in under the ordinary custom here about once every two years; that is, I think, their ordinary practice.

Q. Now, you say that you believe—because I took your word—that one of these commissioners had supplied me with certain material? A. They did.

Q. Now, which commissioner do you believe supplied me with material? A. I did not say that one of the commissioners supplied you with material; I used the word "they;" I do not know who.

Q. Now, what makes you believe that they supply me with material? A. I will tell you the reason.

Q. Tell it to me right out? A. Certainly; there is nothing that gives me greater pleasure.

Q. I would like to know, because no commissioner has supplied me with anything? A. I only told you that I got the belief.

Q. Just tell me where you got it? A. Certainly; in the early spring of 1889, one night at my room in the Morton house I received notice that a gentleman wanted to see me; I went down stairs and I met one of the officials of the city of New York.

Q. Tell us which one? A. County Clerk Reilly; that gentleman said to me: "Mr. Purroy, there is a young man named Melville in the commissioners of accounts' office, and he has been examining your books there under direction of Mr. Sherman, and he claims to have discovered in your property record books certain mistakes, but out of friendship for you he has held back that report, and he will not now make the report—remember, Mr. Grant had just been elected—he

will not now make that report, but he wants you to be good enough to interest yourself in his behalf and have him retained in the commissioners of accounts' office; 'here is the report that he is holding back;' I said, 'let me see it;' he handed it to me and I put it right into my pocket and buttoned it up; I said, "you go and tell Mr. Melville that if he has discovered any mistakes in any of the books of the fire department to make it public immediately, that nobody is more interested in having any error there discovered than the president of the department, the man that you are talking to, and that after the statement that he makes I would not touch him with a forty-foot pole; I won't go near the commissioners of accounts;' I immediately took this report that I had buttoned up in my pocket, I went to the fire department and summoned the secretary and the bookkeeper; our rules make them responsible for the property record books, the secretary having introduced that method into the department; I told them what had been said to me, and told them about the paper that had been handed to me, and I told them to be very careful of that paper, and I told them to immediately institute an examination into the books to see if there was anything that was justified in the statements made by this young man; they made a careful examination of the books of the department, and they reported to me as follows, as soon as they completed it; it was quite a job; as soon as they had completed their careful investigation, they made this report to me; the secretary did:

"HEADQUARTERS FIRE DEPARTMENT, CITY OF NEW YORK,
"NEW YORK, *February* 13, 1889.

"Hon. HENRY D. PURROY, *President:*

"DEAR SIR.—In compliance with the instructions which you gave me last January, I have the honor to report that I have made an examination of the property return book, commencing with the period ending January 23, 1886, and that I simultaneously caused an examination to be made by the bookkeeper, Mr. Savage, of the bills, contracts and requisitions and receipts for hay, straw, oats and bran, beginning with January 1, 1887.

"As to the property return book, I have found the following: A number of errors in transferring the quantities 'on hand;' on December 31, 1886, to the column or entry 'on hand, at last returned,' on June 30, 1887, which two entries should in all cases absolutely agree.

"A considerable number of errors in the designation of articles in the same entries; and some errors of addition; etc.; many of these errors are the result of improperly entering the figures, either on the

wrong line or in the wrong column; but on the whole they suffice, in my judgment, to show a want of accuracy on the part of the property record clerk, that unfits him for that kind of bookkeeping; it is to be said in his favor that he writes a legible hand, and that he has always been diligent and painstaking, and that he is capable of performing ordinary clerical work quite satisfactorily.

"I beg leave to recommend that George W. Searle be appointed to the duty of collecting the property returns, and that a new beginning be made based upon the sworn inventories and the property returns of December 31, 1888.

"Before concluding this branch of the subject, it is proper to state that none of the errors showed or could in any way involve any loss of property or money to the city or to the department.

"As to the contracts, etc., for forage, the result of the bookkeeper's examination shows:

"That the department received during 1867, fourteen dollars and sixty-eight cents ($14.68) more in money value than it paid for.

"That all the so-called 'dray receipts' are, and always have been, on file, and that they told the truth of the forgoing statement, as well as of the following:

"That, occasionally, the right to make an exchange of say, hay for oats, on the basis of their respective contract values, was assumed by the supply clerk where there was a surplus of the one, and a deficiency of the other, the object, in all instances, being to save money to the city, by buying the articles at contract prices, instead of purchasing at retail prices in the open market, in the intervals between the contracts; that sometimes, after bids for a new supply under contract had been opened, and the lowest had been referred to the comptroller, the supply clerk, with the intent to save the department from embarrassment, has arranged with the lowest bidder to make a delivery before the execution of the contract.

"In the matter of the requisition made by the supply clerk on January 25, 1887, for forage amounting to $270, it was ascertained that a contract of John Moonan, executed November 13, 1886, was then still in part undelivered, but it was impossible to separate the 'dray receipts' for deliveries under the requisition of those under the contract, because both were made by Moonan at the same period, and because there was nothing upon the receipts to distinguish those pertaining to the contract; all of the articles paid for under both requisitions or contract, or the full money value thereof in other articles of forage, were, however, actually received by the department. As

before stated, the action taken in this matter by the supply clerk, so far from having resulted in any loss whatever to the city, actually shows a slight gain in the value of the receipts.

"I am, sir, very respectfully.

"CARL JUSSEN."

Thereupon I called a meeting of the board of fire commissioners, having gone over this thing as well as I could — not myself being a very skillful bookkeper, that being one of my weak points — I made the following report to the board:

"I dislike very much to reprimand or censure employes of this department who have served it long and faithfully. Still, I am of the decided opinion that the clerical errors in some of the books of the property record clerk should have been detected and reported to the fire commissioners heretofore by those who are charged with the supervision of his work. Under the rules of the department, the secretary has control of all the clerks on the headquarters' pay-roll, and the bookkeeper is specially charged with the supervision of the books of the property record clerk. It is, of course, satisfactory to know that no loss to the city is in any way involved in the errors of the books of the property record clerk, but it is clear that in addition to his other duties he is not capable of keeping all the property record books pertaining to this office. Formerly the duties of this office were divided, and there was an assistant property record clerk. The duties of the property record clerk in keeping an account ot the fire badges, fire-box keys, horse tags, buttons, etc., and distributing the same either to the force or to citizens, seem to me sufficient to fully occupy his time. He should be given, as formerly, a competent assistant to keep the more important books, and his own work should be confined to the specific duties above mentioned. The present property record clerk was employed in this department prior to my incumbency as one of the commissioners, and after having seen him almost daily for many years, I consider him an honest, industrious and faithful employe. The supply clerk, in ordering the delivery of feed, should have strictly followed the letter of the contract. It was wrong on his part to assume the right to substitute hay for oats, or oats for hay, and it was especially wrong for him to receive feed from the lowest bidder on a contract which had not been finally awarded. The supply clerk claims that his action was taken when the emergency of the department required, and in order to save it embarrassment, and further, that the city suffered no loss therefrom.

The secretary's reports that an examination of the 'dray receipts,' all of which have been carefully preserved, proves the truth of the latter claim. However, the supply clerk must see to it, that there be no repetition of these unauthorized acts, and when the full amount provided under the contract of any specific articles of food has been delivered to the department, and more thereof is temporarily required, he must provide therefor by special requisition addressed to the board of fire commissioners.

"HENRY D. PURROY,
"*President of the New York Fire Dep't.*"

"In Board Fire Commissioners, New York, *May* 6, 1889.

"Presented to the board by the president, with his recommendations indorsed thereon. Report received, and president's recommendation approved and adopted.

"CARL JUSSEN,
"*Secretary.*"

And I thereupon summoned those who were charged with breaking the rule, and administered to them the censure, the board deeming it not a case for dismissal.

Q. Have you that statement that Melville made that you put in your pocket? A. I haven't it with me, but I think I can get it.

Q. There is no reason why you should not get it in here on the minutes, is there? A. None in the world; I will give it to you with pleasure.

Q. Have you ever had any cause to complain of any acts of the commissioners of accounts other than this of Mr. Melville? A. He is not a commissioner of accounts.

Q. He is a subordinate; have you ever had any other occasion to complain of a subordinate? A. I never have had occasion to complain of any of the actions of the commissioners of accounts.

Q. Have you ever had any occasion to complain of any of the subordinates? A. I do not know of any except Melville; there was, during Edson's administration, a similar history; Mr. Edson ran for mayor, and we beat him up in our district; he lives in our district, and he got cantankerous, and sent the commissioners of accounts to the office, and we opened up everything to them, but they could not find anything, and had to report everything all right.

Q. Since this Melville incident, have the commissioners of accounts been into your office; they or their subordinates? A. I think they generally come in every two years; in the fall.

Q. The proper way to make an investigation of your department, if it is to be a thorough and complete investigation, is by calling the

commissioners and examining them as the heads of the department, is it not? A. You are the best judge of that; I never conducted many investigations.

By Senator FASSETT:

Q. Is that a fair answer? A. Yes, sir.

Q. He asked you how is the best way? A. You will have to decide that.

Q. Do you mean that you are not willing to assist this committee? A. No, sir, only I don't know.

Q. Do you mean to be understood as saying that you do not know the proper way for us to go about making an investigation of the administration of your department? A. I mean that I never was in the Legislature and never conducted an investigation and know nothing about it.

Q. That is your answer? A. That is my answer.

Q. That you are not willing to assist this committee and direct us as to the way in which an investigation could be made? A. I do not say that.

By Mr. IVINS:

Q. You conducted an investigation of these charges contained in the statement of Mr. Melville, did you not? A. I conducted an investigation into a matter with which I had been familiar for the last eight or nine years, an investigation of my own department bearing on these charges made by Mr. Melville.

Q. In doing that, did you send to the clerk, or did you do it by going to one of his superior officers? A. I went to the secretary.

Q. He is superior to the clerks; they are his subordinates? A. He is superior by the rules.

Q. You or your fellow commissioners in person or as a board have never been called as witnesses to explain the workings of that board, have they, at any time? A. Except under Mayor Grace, when he summoned me and Elwood Smith down in regard to the statement about using horses.

Q. That was not an investigation of the fire department? A. That was an investigation of two commissioners.

Q. On specific complaint? A. On specific complaint.

Q. Then as a matter of fact your department has never been investigated in the sense of a full and complete systematic investigation, has it? A. Those are the only investigations that I know of.

Q. I was about to ask you what the machinist at headquarters

does? A. We have at headquarters large boilers that heat the headquarters; the headquarters is in a very large building.

Q. Where is that? A. That is in Sixty-seventh street, near Third avenue.

Q. It is a comparatively new building, is it not? A. Well, it was built during my service as commissioner, and is one of the things I am most proud of.

Q. You were speaking of the boilers and heating apparatus? A. And the dynamo that lights the entire building.

Q. Was Johnstone in the department when you went in? A. No; I think not.

Q. Was he appointed subject to civil service rules? A. The civil service rules did not apply at the time he was appointed.

Q. I find William H. Corser, stoker, West Farms? A. I do not know that gentleman; he was appointed on the recommendation, I think, of Elwood Smith; I will not be sure; he lived at West Farms, and also had his house in the city of New York.

Q. I find that there are three stokers there? A. I think there are.

Q. At headquarters? A. Yes.

Q. How many furnaces are there? A. Two large furnaces.

Q. Two large furnaces? A. Yes, sir; they take eight-hour turns.

Q. Now, the names which I have read to you yesterday and to-day, plus the names of the commissioners, make what appears by the *City Record* of the thirty-first of January, to be the headquarter's staff; now, will you describe to the committee the organization at headquarters, so far as your own board is concerned, first, how your meetings are held, with what frequency, and then the organization of the bureau? A. Yes, sir; with pleasure.

Q. Then we will take up the bureaus in turn? A. I may not remember all the things that are to be covered; if I do not, you can help me.

Q. I guess you will; if you do not, I will help you? A. I will try; the fire department consists of three commissioners appointed for six years each, holding office during good conduct, at the pleasure of the mayor and the Governor; these commissioners, or a majority of them, constitute the board, and have practically supervision over all its workings; these commissioners publish in the *City Record*, a notice that they will hold on every Wednesday, except during vacation time, a weekly meeting of the board, and that is their practice, unless, as was the case yesterday, something intervened, such as having been summoned by the Fassett committee; in addition to these regular meeting days of the board, there are special meeting days of the

board frequently held and becoming necessary according as business arises to be transacted by the commissioners; for instance, when a great fire of any kind occurs, a report comes in from the chief; when anything occurs in any of the bureaus; shall I go on now and state anything further in regard to the fire commissioners, or have I covered that?

Q. Well, now you have committees? A. Eh, that is right; these commissioners divide their duties up in this way; there is a president and a treasurer; I have filled both places; I have been president of the department since, I will not be certain, but I think 1885; I was treasurer of the department before that; the treasurer gives a bond in $20,000; my sureties on my bond were William R. Grace and Hugh Ferrigan, to whom you alluded yesterday; the present treasurer of the board is Mr. Anthony Eichkoff; there are two committees, one of which is on buildings and apparatus; this committee is charged with personal supervision, as far as human energy will permit, of all matters coming under those two titles, the bureau of buildings, the repair shops, the repair of the houses and the purchase and supervision of all our apparatus, which is very extensive.

Q. Who is at the head of that committee? A. Mr. Anthony Eichkoff, the gentleman you had on the stand yesterday.

Q. Now, will you tell us at that point why he was put in charge of that committee? A. Because the two gentlemen that were sent in as colleagues to me, were both new gentlemen when they came into the board, had never been in the board before, and Mr. Eichkoff was the older gentleman; he had been a congressman, and he had been appointed by Grover Cleveland as one of the auditors of the Treasury at Washington; he had large experience; he had been editor of the *Staatz Zeitung;* and I thought, as president, that his experience was perhaps a little greater than that of Mr. T. Howland Robbins, the other commissioner who was given to me at that time to co-operate with me in that department.

Q. Do you think his knowledge and experience is still greater than Mr. Robbins? A. You better judge of that, Mr. Ivins; I never examined them.

Q. Go on, Mr. Purroy? A. The other committee is that of telegraph and supplies; Mr. Robbins not having been appointed on the first committee, had to go on the second.

Q. That was the only reason, was it? A. That was the great reason; I could not put myself on, I had too much to do.

Q. Now, how much do you have to do, Mr. Purroy; just explain. A. Let me tell you about the committee, although I would just as lieve take up anything you want.

Q. If you have not finished about the committees, go on? A. You asked me about the committees, and I have not finished; Mr. Howland Robbins is chairman of the committee on telegraph and supplies; he has charge of all requisitions coming to the board bearing in any way on our telegraph, or on our supplies; all matters of that kind are submitted to him, and never is acted on in the board, unless he has first inquired into it, and indorsed on it in writing his approval; that is done in the same way by the chairman of the other committee; now, you asked me about myself; I do not believe there is any man in the city of New York who is busier than I am; during the nine years that I have held office in the fire department, I never spared myself in any way; it was noticed here yesterday that I was not as modest as I might be, but when I am put on the stand, and my abilities questioned, you must excuse me if I for a moment forget my own modesty, and tell what things I have done.

Q. Did either the chairman or the members of the committee question your ability yesterday? A. No, sir.

Q. Did I question your ability? A. No, sir; not very much, but the chairman said to me that Chesterfield was a very modest man; don't you remember, Mr. Ivins? A. I remember something was said; I can bear it in memory; of course, Mr. Ivins did not notice it.

Q. Now, Mr. Purroy, if you will tell us about your abilities? A. About my abilities; do you want me to tell you about my abilities, or do you want me to tell you what I have done?

Q. Tell us what you have done, and we will judge of your abilities? A. It will take a long time to tell of my abilities; I have practically charge of everything in the department; I exercise a supervision over everything in the department; by the rules, I am an ex-officio member of each of the committees, and I make it my duty to know everything that goes on in the department; we have seventy-five houses, and I am occupied in visiting those houses; we have two fire boats, and I am occupied in visiting those fire boats; I am occupied in receiving the various people that come to headquarters daily, inventors of hose who think their hose is the best, men with all kinds of patents; there are enough fire escape men come there to set an ordinary man crazy; and I have worked during the last nine years so hard in connection with the fire department that this summer I broke down and was a very, very sick man, came near dying, and was ordered by my physician to relax my duties; even then, contrary to his orders, while I had to relax them somewhat, I kept an entire supervision, as far as I could, of everything going on in the fire department; I attended every meeting and kept everything up to a point of excel-

lence, and although I was not able to do all that I had done in the past, I put in a large average amount of work; now, if you want to go into the different matters that I have done, why when I went into the fire department the rules allowed a commissioner to appoint anyone that was a citizen of the United States; well, I was not in there long before having differed with Mr. Kelly in not sharing his enmity to Mr. Grace, I was fired out of Tammany Hall; it then struck me as a splendid thing; I said, "here now, is a chance for me, if ever there was one, I have got a chance to reform things and make it a great department."

Q. Couldn't you have reformed it if you had remained in Tammany Hall? A. I might not have been able to do it as well even if I was a member of the Fusion party or the reformers.

Q. Then you could do better by being out of Tammany Hall than being in? A. I think when a man is entirely disconnected with every thing he is less apt to care about hurting you, if he was acting with you, or the Tammany people, if he was acting with them; and I have been acting with you at times and with them at other times; you and I were once reformers.

Q. Let us be quiet as far as possible; this is a serious business? A. This is very serious; I never was more interested in my life.

Q. I know you are apparently interested; but there is no necessity of any reference to any matters that are entirely personal, either to yourself or the Senators, or to me. A. No; no; but there is every necessity, in my opinion; the chairman here will silence me if I go beyond the bounds of propriety; and I will immediately obey him.

Senator FASSETT.—Well, Mr. Purroy, I wanted to give you all the rope possible.

The WITNESS.—That is right, but don't let me hang myself.

Senator FASSETT.—I am afraid you will if you are not very careful.

The WITNESS.—No; I don't like hanging.

Senator FASSETT.—Now, if you will kindly answer Mr. Ivins' questions, and just as closely as you can, without bringing in any more outside matters than necessary, and then, if you desire to maker personal explanations, Mr. Purroy, make them.

The WITNESS.—Yes; well, I was going on to state this gave me an opportunity, and at once I established a code of rules by which no man — I said my myself, if this department is to be reformed, it must be reformed by commencing at the source, the source through which men were appointed on the uniformed force, and I at once established a code of rules which I had great difficulty in having adopted by the board; I selected the man that I thought was the best and the firmest to carry out those rules; we established a school of probation.

By Mr. IVINS:

Q. Who was the man? A. Chief Bonner; he was not then chief at that time; Chief Bonner was a man I never saw until, well, about a month after I went in the department, and do you want to know why my attention was attracted to him; why I selected him?

Q. Yes.

Senator FASSETT.— Make any statement you want.

The WITNESS.— Well, because one time when a charge was made against a captain in the fire service, not on the direction of the chief, or in accordance with the opinion of the chief, but because the president of the board at that time told the chief to make the charge; Chief Bonner appeared before the board, having obeyed the order of the chief, and when called upon to convict this man and produce his testimony, he had the manhood to stand up and say, "I have been directed to do so and so; I don't believe the direction is founded on justice and right; I don't believe this man is guilty;" the president rapped him to order and told him it was his duty as a subordinate to go on and present these proofs; I told him I didn't think it was; if he had no proofs he couldn't present them; a difficulty arose there and Bonner conducted himself with such coolness, with such manliness, that I at once had my attention attracted to him, and I said: "There is the man that has got the firmness and the courage and the uprightness to reform this department," and I got my eye on him.

Q. That is what was known as the McCabe case; was it not? A. Oh, no, Mr. Ivins.

Q. What was that case? A. Certainly, I will tell you; that was years before the McCabe case.

Q. It was years before? A. It was years before.

Q. Was it when you were in the board? A. Yes, sir; just after I went in.

Q. Who was the president? A. John J. Gorman.

Q. Was John J. Gorman the man who gave orders to Chief Bonner to have this man dismissed without cause? A. I didn't say gave orders to have him dismissed.

Q. I so understood you? A. Oh, no; ask the stenographer.

Mr. IVINS.— Just begin and read that answer from the beginning.

[Answer read by the stenographer beginning with the words: "Well, I was going on to state," to and including the words: "Told the chief to make the charge —"]

The WITNESS.— You see "to make the charge," not to convict him.

[Stenographer continues reading — "Chief Bonner appeared, etc.," to and including the words: "When called upon to convict this man."]

Q. "And when called upon to convict this man —" who called on him to convict him? A. Why, the board always sits as judges, you see, and when charges come up before the board, they are to hear all the testimony tending towards conviction.

Q. Was that what you meant by "when called upon to convict?" A. Why, certainly; to produce his testimony in support of the charges that he had been instructed to bring, as a matter of course.

Q. Then you want to modify that testimony? A. No; not a bit; you may want to modify it; I don't.

Q. Do you now stand upon this: "When called upon to convict?" A. Yes; I do.

Q. Now, who called on him to convict? A. When the board of commissioners, whenever they sit there as judges, they are supposed to hear the testimony, first, tending to conviction, and then to hear the accused in his defense.

Q. Had they heard the testimony in this case? A. Of the accused?

Q. Yes. A. They had not heard the testimony of the men to convict yet.

Q. Then how could they call on him to convict? A. Because they did do so; that's why.

Q. Who called on him to convict? A. The president of the board when he instructed charges to be brought.

Q. Instructed charges to be brought? A. Yes.

Q. Is that calling on a man to convict? A. When the man came before the board as a witness, then he was called on to convict.

Q. Who called on him to convict? A. Why, the board of commissioners expected whoever brought the charges to sustain the charges.

Q. Now, go on and tell what occurred between the Chief Bonner and the president of the board at that time? A. I have told you already.

Q. Tell us again? A. And I will tell you, with the greatest of pleasure, again; when the charges came before the board I was sitting as one of the judges, and, of course, the chief was the prosecuting officer; he was supposed to be able to bring testimony on which the board could sustain these charges; then Chief Bonner stood up and said that he had simply brought these charges because he was directed to bring the charges.

Q. Did he say who had directed him to bring them? A. Yes; I think he did; I could not tell you from my memory, but I knew I had not and it was either I or Commissioner Gorman.

Q. Then it must have been Commissioner Gorman? A. In my opinion it was Commissioner Gorman; he was president of the board at the time.

Q. That is the same Mr. Gorman who is now running for sheriff of this city? A. Yes; against the Republican candidate — the Fusion candidate, excuse me.

Q. Still he is running for sheriff? A. Against the Fusion candidate on the Tammany ticket for sheriff.

Q. You said that you had some difficulty in getting the rules adopted? A. Yes, sir.

Q. What were the difficulties which you encountered in getting those rules adopted? A. Why, the politicians in the city of New York, of all shades, immediately aroused themselves against these rules; you see I was not at that time bound down to any political organization or party or association; I was not even at that time, I don't think, a citizen.

Q. There was nothing to prevent your being a good public officer, was there? A. At no time during my career has there been anything to prevent that.

Q. You have found organization to hamper you, have you not? A. Oh, no; not me; I haven't allowed organization or anything else to make a tool of me.

Q. That being the case then, how is it that you have just testified that you thought you could do better in that department after having got out of Tammany Hall than you could if you had been there? A. I didn't; I said I would be subjected to less annoyance and trouble, but I don't care a cent for it; why men have come at me with clubs and I have taken it pretty easy.

Senator FASSETT.— Then, Mr. Purroy, you do not correct your testimony?

The WITNESS.— No; I do not; I don't want to correct anything.

Q. You say you had difficulty in getting these rules adopted because of the interference of politicians? A. No; I did not say that; you said— you asked me how, and he interrupted me; then you asked me why there was any trouble in having these rules adopted, and I said because all the politicians in the city of New York, Republican — the city Democracy, I think it was then, Tammany Hall, and everyone of the politicians that used to come up to the department trying to get their men appointed there, they aroused the cry, "Why, Heaven; this won't ever do;" "This won't ever do;" "This is carrying out this doctrine of civil service that has been preached for sometime," and it had not then become favorably considered, and they sought in every way to argue me out of my position; they gave me a great deal of annoyance and trouble, but, as I told you, I went right along and I pushed the rules through.

Q. These rules gave the commissioners a more complete, absolute and thorough control of the department and the appointees of the department, did they not, than they had before? A. I will tell you what they did, Mr. Ivins: they provided that hereafter when any man wanted to come into the fire department, that he must sign an agreement, upon his part, which he drew up, that he would, for a certain time, submit himself to certain probationary tests and training; Chief Bonner was selected, he was put in charge of this probationary school.

Q. What was his office at that time? A. He was one of the chiefs of battalions; he has been advanced, I think three grades since then; and I make it my business every year, if I can — but I haven't been able in nearly two years now — to visit all the cities and keep up on whatever there is in the way of advancement in anything relating to our department; sometimes you will see something that is really meritorious in a very miserable department; and I found in St. Louis a German, Cris Holl, his name was, and he had introduced there a system of training that struck me as a very excellent thing to bring into our service; I went down and I consulted with Mayor Grace; I got his sanction and I brought Holl on from St. Louis, and I established the school; I went to the people who owned the estate up at One Hundred and Forty-eighth street and Hudson river, and I got that immense sugar factory there, the use of it for years, without the city paying one dollar, and they gave it just on the *esprit de corps*, the desire to help along the fire department, and we established the school there, and thereafter every man went to that school unless, in any case, the commissioners waived the rules, as they had the right to do up to August, 1884; now, the civil service rules were applied to all the departments in the city of New York except the fire department and the police department, I think a year prior to August, 1884; I think it was 1881; the record will show; my memory is pretty good but I don't want you to tie me down too closely to dates, but I think I am right; and when the civil service commissioners, who were appointed by Mayor Grace at that time, I think, under his first term, I think there those commissioners — I know the one I saw was, if I remember right, Mr. Everett P. Wheeler, he sent to us and he said, "now, what have you got to say as to the rules that ought to apply in regard to your department?" I saw him, had interviews with him, submitted my system to him, and the civil service commissioners adopted the system that I had established there without crossing a "t" or dotting an "i," now, that is only one little point; I can go over a half dozen but I look at that as a very important thing because

it was the first step taken towards purifying the source through which the uniformed force was fed and kept up.

Q. Since those rules have been adopted have you had less annoyance from organization and politicians? A. Very much less; very much less; any man can go to the civil service board now and obtain a blank; any man can come to our department and obtain a blank, and if it was not that in New York there is a splendid market for courage and the kind of material we want in the fire department, why it would be hard to get men to come into the service, because if you will come up to headquarters, Mr. Ivins, go up in the top of the building and look down on our drill-yard there, it will make your head dizzy to see what they have to do.

By Senator McNaughton:

Q. Mr. Purroy, do you consider that you get better appointments through civil service examinations than you do without them? A. I think that under the rules which we established and which the civil service have taken up, we get better appointments than we used to do.

By Mr. Ivins:

Q. Now, Mr. Purroy, will you describe the rest of your duties? [Continuing] — and I allude to the uniformed force, Senator, in that regard.

Senator McNaughton.— Yes.

The Witness.—What is that Mr. Ivins?

Q. We are talking about your own duties and your own work when we diverged temporarily on the question of rules which you had established? A. Yes, sir.

Q. Now, let us return, and tell us what your other specific duties are, specific work is, at the present time? A. Why, I have covered it generally by telling you that I exercised a general supervision over everything going on in the fire department, as far as human energy will permit, covering all the bureaus and everything done in the department.

Q. You have four bureaus? A. Yes, sir.

Q. Who is the head of the bureau of the chief of department? A. For the last year I think it is Hugh Bonner; prior to him, a gentleman named Shay.

Q. Who is the head of the bureau of combustibles? A. Peter Seary.

Q. Who was the head of the bureau of buildings? A. Mr. Brady who sits there.

Q. And what is the fourth bureau? A. Fire marshal.

Q. Who is the head of that department? A. James Mitchell.

Q. Now, let us take up the bureau of chief of department? A. Yes, sir.

Q. That bureau includes the entire uniformed force, does it not? A. Yes, sir.

Q. It also includes some uniformed force, does it not? A. There are on the fire boat some stokers who are not members of the uniformed force.

Q. But they fall under this bureau? A. Yes; they are put subject to the discipline of the captain of the boat, but, of course, they are not protected as the uniformed force in regard to dismissals and charges.

Q. Now, the bureau of chief of department is really the department, is it not, the other bureaus simply existing as necessary adjuncts or annexes to this, which is the backbone of the whole system? A. No; no; no; no; that wouldn't be fair at all; there were formerly in this city a department known as the department of buildings, which stood alone; Senator Strahan passed through the legislature of 1880 a law which, against our desire, transferred to our department all the powers and duties of the department of buildings.

Q. Senator Strahan had been counsel to the fire board, at one time had he not? A. Not during my time.

Q. No; but at one time? A. I do not know; I could not tell you that.

Q. So that resulted in a merger of these two departments? A. No; not a merger; no.

Q. You say, the extinction of one and the placing of its duties in the other? A. The department of buildings was abolished and all its powers were transferred to the fire department, and it was made a bureau in the fire department.

Q. Well, then, it is true that the work of your department consists of two great spheres: one that of buildings, and the other the extinction of fires? A. Our department consists of four great bureaus; one, of course, is more important; each, perhaps, has its rank; if you want me to pick out the importance, the relative importance of each, I would say that first came the chief of department's bureau; second came the bureau of buildings; third came — well, it is, I think, the bureau of combustibles, and next the fire marshal's bureau.

Q. For the present year, that is 1890, I find by reference to a report of the board of estimate and apportionment, that the headquarters pay-roll, including salary of inspectors of sappers and minors, was $53,570; that the appropriation for the attorney was $4,000; that the appropriation for the chief of department and assistants' pay-roll was $45,000— A. Five hundred less than in the year before.

Q. Well, I will have that all put in tabulated shape so as to show what it has been for ten years past; the accountants will do that? A. All right.

Q. And that engine, hook and ladder companies, pay-roll for foremen, assistant foremen, engineers, hook and ladder companies and of the fire steamboats, and the uniformed and the ununiformed firemen on probation, $1,315,000; that is all included in the bureau of the chief of department, is it not? A. Yes, sir.

Q. So that the bureau of the chief of department expends $1,360,000 — [To Col. Jussen] Have you got the figures there, colonel, of last year; I haven't got the statistics; I think you are right about it [to counsel]; you have got a book before you and I haven't any.

Q. You can see the book? A. Well, let me see the book.

[Counsel presents book to witness.]

A. You tell me this book is what they did?

Q. This is the final estimates? A. Well, that being taken for granted then —

Senator FASSETT.— Is there any question about it?

The WITNESS.— I want to know before I swear to anything.

By Mr. IVINS:

Q. You look at it? A. Well, I will look at it, certainly, with pleasure, or take your word.

Q. No; look at it and tell me whether or not you can say whether that is the final estimate of the board of estimate and apportionment for the year 1889? A. This is a book that I am not familiar with, you know; this is a book belonging to the board of estimate and apportionment, and includes all the departments.

Q. It is only a part of the report of the minutes; don't you see the minutes of the meeting of the board of estimate and apportionment, Mr. Purroy? A. Sometimes I do and sometimes I don't; I aint a very close student of the *City Record.*

Q. Don't you see the minutes as printed in book form? A. No.

Q. Don't you get a full copy of the minutes of the board of estimate and apportionment? A. No; Mr. Costigan used to send me a beautiful copy, but I never got any since and don't study them at all; I mind my own department; it is stated here to be $1,315,000.

Q. To which you want to add $45,000, the chief of department assistants' pay-roll? A. That is right, sir.

Q. That makes $1,360,000? A. You are a better arithmetician, I think, than I am; I guess you are right.

Q. So that out of total appropriations of $2,138,543, $1,360,000 was for that, your chief of department? A. Add those two figures together and it will give you the result, if that is it.

Q. Forty-five and fifteen make sixty, don't they, Mr. Purroy? A. I would want a pencil.

Q. Now, just take a pencil and see if that forty-five and fifteen don't make sixty? A. Forty-five and what?

Q. Fifteen? A. That makes sixty.

Q. Couldn't you have done that without a pencil, Mr. Purroy? A. No; I aint good at mental arithmetic.

Q. Then it is, from the financial point of view, the most important bureau in the department, is it not? A. I said from every point of view I think it outranks every other bureau.

Q. Now, having established that, will you describe to the committee the organization of that bureau, beginning with the chief? A. Certainly, sir; with the greatest of pleasure; the uniformed force is organized about as follows — giving a hasty summary; there is a chief of department; that chief of department has two deputy chiefs of department; under the chief and the two deputy chiefs of department are twelve chiefs of battalions; under the twelve chiefs of battalions — just give me our report till I see the number of foremen; I think I could state from memory pretty nearly; have you got the page there; excuse me, Mr. Ivins; I have every regard for that book of yours, but I have got one here [examines book]; eighty-three foremen, ninety assistant foremen, 136 engineers of steamer, 565 firemen of the first grade, eighty-five of the second, twenty-eight of the third, making a total of 1,002; then under this probationary system that I established — and that was taken up by the civil service — there are what we call ununiformed firemen; these are men who are on probation, and we do not give them uniform, nor allow them to get uniform until they have passed this probationary period and —

Q. How long is that period? A. It is thirty days, sir; and passed an examination not only in the schools, but in the company quarters, and have received meritorious report; then there are four pilots, two engineers on the boat, six stokers; that makes 10,039.

Q. One — one thousand and thirty-nine? A. Sometimes that runs up and sometimes down.

Q. You said 10,000? A. Well, did I; you have got me there; 1,039; it is not 10,000.

Q. By referring to this same book I find, without going into details, that there were relieved from service at fires fifty-five persons; that is at page 7? A. Page 7; yes.

Q. So that the total as set down here is 1,094? A. Yes, sir.

Q. That was true as of the 1st of January, 1890, was it not? A. Yes, sir.

Q. But it is not necessarily true as of to-day? A. I would have to get you a special report as to to-day — changes.

Q. Changes have been made? A. No; it changes; I don't know how the changes have been made.

Q. I say, there have been changes made? A. But we have always given to the chief of department, almost supreme control in the handling of his force, and he details these men just as he likes; does with them as he wants.

Q. I am alluding now to the aggregate number in the service? A. Yes, sir; well, it will vary, Mr. Ivins.

Q. There are additional firemen appointed during the year, for instance? A. Well, there have not been very many; under the civil service rules we can not appoint as we used to do, except rarely, one at a time; the only way we can do that, is when the old eligible list is before us, and it is nearly exhausted, and then we can take from the old eligible list; but the way we do now, is when applications come to us, either from the civil service or from those who make application at the department, they are made out, and after a certain number accumulates, sufficient, taking into consideration the amount that are to be rejected, to about fill the vacancies in the service, we have them examined as to their physical condition, and then, after that when their character is inquired into, and it is found to be satisfactory, we report, as far as we have gone, to the civil service; the civil service people give them an examination as to their education; they again pass on their physical condition, and they look at our report as to their character, and when we make requisition upon them they send us up as many as their rules will permit.

Q. We will take that up later, Mr. Purroy; the point — A. Well, excuse me; I wanted to explain to you how it was — you see they come to us in that way, Mr. Ivins, in a bunch, and are all appointed, usually — well, may be, twenty-five or thirty at a time.

Q. Well, we want now to get at the outline of the organization of this bureau? A. Well, sir; I am at your service for whatever you want to get at.

Q. You have the chief, and under him you have, according to this report, 1,093 men, the whole force being 1,094? A. We had at the time that report was made.

Q. Yes. A. Yes.

Q. Tell us how that force is organized? A. Yes, sir; with great pleasure; that force is organized — I told you before — into twelve battalions; these battalions extend all over the city of New York, from Battery to Woodlawn; they are under a battalion chief, and they consist — the battalion chief is in command of a certain number of companies, from five to seven or eight, as it may be, just as the chief regulates; these companies are all under command of a captain and an assistant foreman.

Q. Each company? A. Each company, except, that is — you inquired yesterday, and you did not get full information on the subject — there are some double companies; now, may be, you would like to know what you didn't get yesterday, what a double company is; I think, during Mayor's Grace's administration there occurred in this city three fires simultaneously, on one night, and those fires — I can't remember the exact date; I can get that all — and those fires were each one most extensive, and of a most threatening character, and we had to throw all our force on the most serious fire, and then when the other came in within a short time, we had to draw off from that fire, although it was not under control, a portion of our force and go to the next fire, and then when the next alarm came in, we still had to deplete our force, and if it was not for the excellent management of a force which was not at the the time calculated to meet any such pressing contingency as three alarms within a very short time, New York would have been burned down, in my opinion; this matter gave us a great deal of trouble, and immediately it struck me that there ought to be organized in the city of New York reserve companies so that in these important sections when one company was called out to a third alarm fire another company could take its place and stand ready to answer the next alarm in the same section, without drawing on the force that was already doing all it could do; this suggested great difficulties; our companies in the lower part of the city are company houses, as you know, Mr. Ivins, in streets like John street and Liberty street and so on — occupy pieces of land that are of very great value, and it was impossible for us — if we could we would rather have had additional houses established; we couldn't do that, so, therefore, we adopted the plan of organizing what was called double companies; of having companies where the complement of men was something like eighteen to twenty, and where there was a first section and a second section, and where the first section went out the second section took their place and stood ready to meet any emergency, and if there was any such emergency, if the fire was a serious one they

would be called to it; these are what you call double companies; that is the best explanation I can give in a hurry.

Q. Now, just refer to your book there, your report; I find pages 12, 13 and 14, that there appear to be nine such double companies; is that correct? A. I think that is about correct.

Q. Now, can you tell me where this double company engine No. 5 is located? A. Yes; with the greatest pleasure; I carry a little book, like Oak Ames, and I have all these little things that are important jotted down [referring to book]; engine No. 5 is located at No. 340 East Fourteenth street; it is in the sixth battalion and the district is East Tenth, Second avenue, Twenty-first street and Avenue A; the foreman is Thomas J. Ahearn, the brother of Senator Ahearn on this committee, and a very excellent man; and the assistant foreman is Malachi Donahue, another excellent man.

Q. Speaking of the reasons which led to the institution of these double companies, you spoke about the necessity for having them in particular localities? A. Yes, sir.

Q. Now, can you tell me without looking at your book — A. No; I can not tell you without looking at my book.

Q. — and without giving the number of the street or even the street itself, in what locality in the city engine No. 12, double company, is located? A. No; I must look at my book first.

Q. You could not tell? A. I wouldn't say that, but I would not swear to where it was, nor to any company; I have got a memorandum and I could tell you where engine No. 12 is; it is right around here in the corner, but I don't intend, Mr. Ivins, to be caught in any such way and I have prepared myself.

Q. You have told me that, have you not? A. Yes; and I can tell you many things too.

Q. That is all I wanted. A. Yes; but I have a little book ready when you start on all questions which require the exercise of much memory.

Q. Now, how did you come to establish nine of these double companies and no more, and what were the particular districts of the city within the territory of which you thought double companies should be established? A. We came to establish nine companies and no more because the board of estimate and apportionment wouldn't give us the money to establish more, and the sections of the city that we selected to establish these companies were the sections of the city that we considered more exposed to dangerous fires; that included the lower part of the city of New York, the dry goods district and the vast tenement district.

Q. Do you think there ought to be more double companies than there are? A. I think there ought to be a great increase in the force, but before I would ask for another double company, I would ask for an increase of the fire service on the west side of the city, up town, and I have asked for seven new companies there.

Q. How far up town do you mean; up in the seventeenth or nineteenth districts? A. Well, in the section of the city where the population has grown immensely during the last few years, and where our companies dot the city very sparsely, and I have asked the board of estimate and apportionment; in the few minutes that you allowed me yesterday, when you let me get over before the board of estimate and apportionment, I made a strong argument for those seven companies, but they were ruled out.

Q. Have you asked for seven new companies? A. Seven new sites on which to put new companies.

Q. We have the chief, two deputy chiefs or assistant chiefs, twelve chiefs of battalions, and then the captains of the several companies; will you describe in general terms what is the duty of the chief of department? A. Yes, sir; the chief of department has general supervision of the entire uniformed force; he is in command, supreme command, of that force, and he, with the sanction of the commissioners and in accordance with the laws, rules them as he deems best for the efficiency of the service and the good of the city; he has aids, and these aids report to him and are under his instructions; he goes to all the fires that he can attend; when he goes to a fire — our rules and our management of the service is on this theory; when an alarm rings out there are a certain number of companies designated to go to that alarm, and whatever officer arrives first, that man is in charge of the fire, but the minute —

Q. Pardon me a minute; you say "whatever officer," by that you mean the captain of the company? A. Anything; whatever is the superior officer that arrives first; it might be an assistant foreman if the captain was off; he immediately assumes command of the fire; but the instant that his superior arrives, he reports to his superior and his superior takes command.

Q. Would that be the captain, the chief of battalion or the chief of department? A. That may be anybody up to the chief of department.

Q. Well, you were describing the duties of the chief of department? A. I think I have given them to you in a general way, unless there is sometning you can think of that I have forgotten.

Q. Are there any special rules applied by your department which will determine the duties of chief? A. We have a book of general

orders that has just, after the greatest amount of trouble, been revised by myself and the chief; [To Col. Jussen] have you got it colonel; it is very bulky, and it prescribes the duties; it is a book that size [indicating].

Q. Is it printed or a written one? A. It is printed; I had to revise all these old rules; that is one of my duties that I forgot.

Q. Now, are there any of these general orders which give specific powers to the chief of department? A. General powers and specific powers too; as to what they are, I will have to refer you to this book, or send for the book.

Q. Have you duplicate copies of that, so that the committee might have one? A. [To Col. Jussen.] Have they come from the *City Record* yet, colonel?

Colonel JUSSEN.— Yes, sir; they have one there.

The WITNESS.— We had trouble to get them in time.

Q. We can have one after this meeting, I suppose? A. Certainly, Mr. Ivins, as quick as I get it for you; I will send a messenger now, if you like.

Q. I do not need it now; you say that he has aids; how many aids has the chief of department? A. I consider that every one of the uniformed force under him, is an aid, but, of course, two specific ones that are mentioned in the chief of department headquarter's pay-roll, are the chief of department and the two assistant deputy chiefs of department.

Q. When you said aids, you meant particularly the two deputy chiefs? A. I alluded to them in the first order.

Q. What are the duties of the deputy chiefs as contradistinguished from the duties of the chief? A. The duties of the deputy chiefs are not contradistinguished from the chief, except that he is their superior; as you read yesterday, this city being a long narrow island, it being very hard for any man to get promptly to a fire occurring, as it may, in either end of the island, we have established two headquarters; one at the old fire department headquarters in Mercer street, and the other at engine 1, in Twenty-ninth street, and we have, under the advice of the chief, and on his recommendation, placed one deputy chief at one headquarters, and the other deputy chief at the other headquarters, and they alternate every three months; you asked the reason for that; that struck as strange yesterday.

Q. No; don't say it struck me as strange; I asked the reason for it. A. Well, I thought from the question — excuse me; I imagined you thought that was strange.

Q. I wanted to know the reason for it, that is all. A. Well, I can give it to you; the reason is that that section which includes the lower part of the city of New York, the dry-goods district and tenement district, is the more exhausting, and the part in which the duties are most onerous, although that is fast ceasing to be the case, because as New York is growing, the upper section of the city is becoming a district in which the labors of the deputy assigned to it are becoming very onerous indeed, but, inasmuch as one was thought to be much more onerous than the other, we have allowed the two men to alternate so that it would be fair, exactly, to them.

Q. Their duties are identical, however? A. Their duties are identical, except that they cover different territory, and that, of course — suppose, now, the chief takes a leave of absence there now and then, under the rules, when he does, as a rule, the chief in charge of the import section is in command of the department.

Q. Now, Mr. Purroy, will you get out your little book? A. Yes, sir; with pleasure.

Q. I have here a list of twelve chiefs of battalion. A. Yes, sir; I know them pretty well.

Q. And I find in your report a map of what we may call fire districts? A. Yes, sir.

Q. But they are not the same as battalion districts, are they? A. No, sir; they are not; I told you that yesterday, Mr. Ivins.

Q. Will you, by reference to that book — A. Well, I don't know that it is in that.

Q. Well, then by reference to any book that it is in, tell us what each battalion district is, and the companies covered in each battalion? A. Yes; [addressing Chief Bonner] chief, please bring me the battalion map; I have that right on hand for you, Mr Ivins; now I will have to ask the assistance either of a member of the committee or some other gentleman in this matter.

Q. I will help you. A. Well, I would sooner have you than any one else [examining map].

Q. The first battalion is located where? A. The first battalion is the lower part of the city of New York and runs from the Battery, bounded by the river on both sides, and on the north by Maiden Lane, Fulton street and Chambers street.

Q Second battalion — just go right on? A. The second battalion it bounded on the south by the first battalion, on the west side by the river, on the north by Catharine and Canal street, and on the east by Broadway; the third battalion is in the center between the fifth and

the seventh; the ninth is right north of both of those; here are the streets; I will read them off, if you like.

Q. I want the limitations so that I can introduce the map? A. Well; all right then; Houston street, Bowery, Fifth avenue, Sixth avenue, East Twenty-first street; that is the sixth; now, we will go to the seventh; I don't know whether I took the sixth — I will give it over again, if you like; the fifth is bounded on the south by Chambers street and on the east by Broadway, Canal street, Sullivan street, and in a northwesterly direction by Fourth street, and in a northwesterly direction again by Gansevoort street, and on the west by Hudson river; the seventh battalion is Gansevoort, Fourth, Fifth avenue, Fourteenth street, Sixth avenue, Fifth avenue and Thirty-first street; the eighth battalion —

Q. Sixth avenue to Twenty-third street? A. Yes, sir; the eighth battalion, East Twenty-first street, East Twenty-third street, and on the east by the East river, on the west by Fifth avenue, and in a northeasterly direction for a small space by Fortieth street, then again by Sixth avenue, on the north by Fifty-ninth street; the ninth is bounded on the south by Thirty-first street, on the west by Fifth avenue partly, by Fortieth street partly, although it runs northwesterly, and on the west by Sixth avenue; on the north by Fifty-ninth street, and on the west by the Hudson river; the Tenth battalion is all that part of the city, including Central park, from Fifty-ninth street up to One Hundred and Tenth street, bounded by the North river.

By Senator Fassett:

Q. Central park cuts that right in two in the middle, does it not? A. Yes, sir; the easterly boundary of that is not the park entirely; when it gets up as far as Ninety-eighth street, then Fifth avenue comes in and bounds it on the east to One Hundred and Tenth street.

By Mr. Ivins:

Q. The rest of the island is in the fifth district? A. No; the rest of Manhattan Island and the Twelfth battalion is that part of the city known as the twenty-fourth Assembly district.

Q. The annexed district? A. The twenty-fourth Assembly district.

Q. When were these particular battalion districts established? A. Well, they occasionally changed, whenever the chief, in his judgment, makes a recommendation to the board, based upon the lessening in importance or the increase in importance of these battalion districts

as placed where fire is frequent or infrequent, or dangerous or not dangerous.

Q. That may be at any time, from time to time? A. We give him full power in all those matters, and we act on his recommendation; I don't know a single instance where we set him aside.

Q. You spoke about the fact that in your judgment there was a necessity for increased fire apparatus on the upper west side? A. Yes, sir.

Q. Do you mean by that the territory now covered by the tenth and eleventh battalions? A. I refer particularly to the eleventh battalion, which, as you will see, is set forth in this map as all that part of Manhattan Island running from Spuyten Duyvil down to One Hundred and Tenth street, and then over to the eastern boundary of the park, and then down along the park to Ninety-eighth street, and bounded by the two rivers, the Harlem and the Hudson.

Q. Did you ask for all these seven new sites in that battalion district, or were some of them in the tenth? A. I want to be accurate in all those cases and I will refer to my memorandum.

Q. That is right? A. I think there is one outside; would you like to know the sites?

Q. Oh, no? A. One Hundred and Tenth street, One Hundred and Forty-fifth street and Seventh avenue, One Hundred and Eighty-first street and Tenth avenue, One Hundred and Thirty-seventh street and Willis avenue — that is in the annexed district — One Hundred and Forty-ninth street and Cypress avenue, One Hundred and Sixty-first street and Forest avenue, and One Hundred and Seventy-seventh street and Morris avenue; four of those sites are in the annexed district.

Q. We will come to the question of sites generally, again, because we have got to get along certain lines here; it is a very big department and a very big subject? A. You and I went over it many a time.

Q. This map which you have printed at page 96 of your report, what is the object of that map? A. Well, I can not see it, but is that the map of the company district? [Counsel presents map to witness.] Is it the map of the company district?

Q. You can tell what it is? A. Well, then you must let me get it in my hands and look at it; this don't say what this is, but I think on reading it [to Mr. Jussen] that is your company district map, is it not?

Mr. JUSSEN.— No, sir; that is a map for statistical purposes.

Mr. PURROY.— Yes; but what do you call the map?

Mr. JUSSEN.— This is the fire districts.

Mr. PURROY.—This is a map which the secretary prepares in order to furnish certain information which is set forth in the map itself, in regard to statistics, the acres, the buildings, the fires and the loss.

Q. Is the question of acreage, or the question of buildings, numerically, that is, taken into consideration in the making of the battalion districts? A. We take everything into consideration.

Q. In making those? A. Everything.

Q. Does your report show how many, and which companies are in each of these battalions? A. Yes, sir; I think so.

Q. Then we will find that there? A. At least, I can give it to you in all cases; it does in the map you have just had, Mr. Ivins; the map of battalion districts set forth all that.

Q. That sets forth that, but we have not that? A. We had it a minute ago.

Q. But I mean the committee has not it? A. Well, you can have it.

Q. Then if you will have a duplicate made of that.

Mr. PURROY.—Chief Bonner, be kind enough to have a duplicate furnished the committee of the battalion districts.

Senator FASSETT.—That map we just had.

Mr. PURROY.—Yes, sir.

Q. Now, we will go back and take up the personnel of this bureau so far as the chiefs of battalion are concerned; how long has the chief been in the service? A. Well, it is a wise man that knows more than what took place when he himself went in; I know that Bonner was there long before me, and if my information and memory don't fail me, he was there since the organization of the service, and I think the service was organized in 1865, and you can calculate how long that is.

Q. Don't need any pencil, either? A. No; I wouldn't think you would.

Q. Who was chief when you went in? A. Eli Bates.

Q. Is Mr. Bates living? A. Mr. Bates is living.

Q. Why did he cease to be chief? A. Mr. Bates ceased to be chief because, in the opinion of the board, certain of his acts demonstrated the fact that he was outliving that efficiency, self-control and superiority which we required at the head of the service in this city.

Q. Were any specific charges made against Mr. Bates? A. Mr. Bates resigned, but charges were pending at the time Mr. Bates resigned.

Q. Who succeeded Mr. Bates? A. Do you want to know what the charges were, Mr. Ivins, or anything?

Q. No; who succeeded Mr. Bates? A. Mr. Charles Oscar Shay.

Q. What became of Mr. Shay? A. Mr. Shay, who was the subordinate under Chief Bates, was not a man of very rugged habit, and the untiring service that he rendered the city wore him out, so that he applied for retirement; he was examined and found to be diseased, and he was retired on his own request; he also had been in the service of the department since its organization; he was a Republican, and has always had the confidence of the board.

Q. When did Mr. Shay become chief; that year; that is all? A. Well, that is a little hard — it was during my time, and I don't want to be positive about that, but Chief Bates, whom I have a high respect for, and I am sorry to say a single word, and would not say it unless you brought it out; Chief Bates had demonstrated to me and to the other commissioners, that we must take cognizance of certain things, and I think that was during the year 1885; I would not be certain though, Ivins; I will get you the exact date, if you will let me, by consulting the records.

Q. Well, I think it is near enough; you think it was about 1885? A. Somewhere about that.

Q. How long did he continue chief? A. Who?

Q. Mr. Shay. A. Oh, the minute that Bates resigned Shay was appointed, and if you will give me the date when Bates resigned, and then give me the date of Shay's retirement, I can tell you how long; but I think that it was up to last year; sometime last year.

Q. Now, can't you give me the date of Shay's retirement? A. No; I could not, Mr. Ivins.

Q. Can't you give it approximately? A. I want to be too particular with you to indulge in any such chance guessing.

Q. It is not guessing; can you tell me what year Mr. Shay retired? A. I think that Mr. Shay retired from the service in the spring of 1889; I think so, but I am not sure.

Q. It was within six months or a year, one way or the other of that anyhow; was it not? A. Somewhere about that.

Q. So that Chief Bonner has been chief of the department now for— A. Since Shay got out; and I think that was —

Q. About a year and a half, we will say; had Mr. Bonner gone up through all of the steps from captain to chief of battalion, to deputy chief of battalion? A. Chief Bonner was a captain in the old volunteer service — I was not an old volunteer, but that is my memory — that is my recollection, rather, and then he came into our service, and he went up through the various grades, promoted by the different commissioners until I came into the department, when he was chief of battalion of the most important battalion district in the city of New

York; that is, that that is situated here; it has lessened somewhat in importance within the last year or so, but at the time Bonner was there, it was a very severe strain on any man, and he was there for many years, and my attention was attracted to him in the way I tell you, and on the first occasion that I got a chance, although I had nothing in the world to recommend him except just what I saw of his service, I put him up, promoted him.

Q. Who was deputy clerk at the same time that he was deputy chief? A. Nobody.

Q. Was he a single deputy chief? A. No; our organization was different then from what it is now.

Q. Who was it, then? A. Instead of calling the two deputy chiefs at that time deputy chiefs, we called them assistant and second assistant chief; they had practically the same duties, but different titles.

Q. And he was assistant chief? A. He was assistant chief under Shay, and chief of battalion when I went in; that is lower still, you know.

Q. John McCabe is now deputy chief of department; about how long has he been deputy chief? A. John McCabe—John McCabe was second assistant chief of department up to the time that the Court of Appeals upset the decision of the fire commissioners removing him from office, and restored him to duty; shortly after that we reorganized the chief's office, and had two deputies, whom we called deputy chiefs of department.

Q. He is the McCabe of the so-called McCabe case, is he? A. He is the Chief McCabe who was removed by the fire commissioners because at a fire in Harlem, in our opinion, he lost his head and sent out a call which exposed the city for two hours, and the Court of appeals set aside our decision.

Senator FASSETT.—Then he is.

Q. That is only one of the illustrations which we frequently see here of the administrative government by the judiciary, is it not? A. Well, I only reckon, Mr. Ivins, that I submitted to you my brief in regard to the General Term decision, and you corrected it for me, and agreed with me in regard to it, and sustained me most strongly, and praised me most highly on the stand I took, and I know your advice was very valuable as a lawyer; I always esteemed you as a very shrewd man, and I went to you and got it.

Senator FASSETT.—It seems to me the side notes here are more copious than the text, Mr. Purroy.

Q. Mr. Purroy, you are at the head of one of the great departments here, and from your acts as the head of a great department, in certain cases, appeals lie to the courts, do they not? A. Yes, sir.

Q. The result of which is, that if the court see fit not to sustain you in your action, the man whom you have removed is put back in the service? A. Yes, sir; we had a man removed once for drunkenness, and the General Term of the Supreme Court put him back and said he ought to get drunk more than once, and the Court of Appeals said no; once was enough.

Mr. IVINS.—I want to get your opinion as the head of the department—

Senator FASSETT.—I want to ask, are there any such cases; is there a line of events under which the courts can put a man back?

Mr. IVINS.— Well, Mr. Purroy can explain that to you.

Senator FASSETT.— Just tell under what circumstances, Mr. Purroy?

The WITNESS.— The courts can upset us in any regard; they claim the right to come in and go into the facts; now, as to the number, I only want to say this —

By Senator FASSETT:

Q. Is that with reference to your discipline of the entire force? A. Yes.

Q. Removals of a fireman, uniformed man or chief of battalion, or chief? A. I speak, Senator, of the uniformed force, because it is the only portion of our employes that are protected by the rule which prescribes that they shall have charges preferred against them and a hearing; there is a provision of the charter that says clerks and heads of departments must be given an opportunity to be heard, but, as Mr. Ivins knows, it is a very different thing.

Mr. IVINS.— Yes.

Q. The practice is this, is it not Mr. Purroy, that after charges have been preferred against one of your uniformed men, if you have held the charges to have been well founded and have discharged the person under charges, that he may, by the proper writ, bring your whole proceedings for review before the courts, and the courts then put themselves in the place which either was occupied or ought to have been occupied by the fire commissioners, and consider the entire question, the facts as well as law; is not that the fact? A. Any man removed by us can go to a Supreme Court judge and carry it to the Court of Appeals; and all I want to say in that regard is that, since I have been there, there have not been many such cases; I think that the McCabe case was the first case of the uniformed force we were ever set aside.

Q. What was the Dumahaut case? A. That was not a uniformed case.

Q. I want to bring that out as being a case of a different class, a little bit later? A. Yes, sir.

Q. Let us take the McCabe case as an instance of the workings of this system; Mr. McCabe was removed by your department?

Q. Before we go into that, Mr. Ivins, let me get this a little more clearly. Does this interference, on the part of the courts, spring out of that provision of the law which requires that these firemen can only be removed on charges made? A. Well, I don't know what it springs out of; I think it springs out of the assumption by the Supreme Court and the Court of Appeals that they can upset anything they choose and review any action they choose upon the part of any public official.

By Mr. Ivins:

Q. And that applies virtually to the great body of the civil list of New York city, does it not? A. It does, so far as my experience goes.

Q. So that it amounts ultimately to an administrative government, by the judiciary wherever the judiciary see fit to interfere on the application of any person charged? A. Well, it occurs in paroxysms; they interfere about — whenever there is a storm and they are raked up pretty well they interfere; it doesn't occur except once in every two or three years.

By Senator McNaughton:

Q. Mr. Purroy, did the courts assume to have that power before the civil service law became effective? A. Oh, yes, Senator.

Q. Always? A. Yes.

Mr. Ivins.—The most marked illustration of that, I will say to the committee was during the term of Mayor Ely when he removed the police commissioners, and Mayor Cooper, subsequently, removed more police commissioners; the cases that brought it very clearly before the public were the cases of the police commissioners removed and the new commissioners appointed by Mayor Cooper during his term; and it applies, consequently, to the mayor of the city, who is responsible for the heads of departments, as well as to the heads of departments who are responsible for their subordinates, and so down the entire line.

Senator McNaughton.—The police commissioner was the head of a department; he refers to cases where subordinates were removed by him.

Mr. Ivins.—Well, here it applies to both the mayor, as to his subordinates, and then it applies to the heads of departments, so far as

affects their subordinates, in terms, and consequently it effects the entire police force of New York city, and it effects the entire fire force of New York city, and in doing that affects the two great organized forces of our city.

Mr. PURROY.—It even affects the mayor.

Mr. IVINS.—And it seems historically, so far as I can get at it, to have sprung out of the theory or idea that a person once in any office had a sort of vested right to that office for a specific term as property which he could defend or protect in some way against the act of his superior officers by appeals to the courts; and before this inquest is finished it will be necessary to go into that whole matter very fully, because I shall call a number of experts in matters of this kind who have certified their desire to testify that that was one of the defects of our system as removing from the heads of departments the control of their officers to such an extent as not to make them properly finally responsible, the same thing applying to the mayor, not to make him properly finally responsible.

By Senator BIRKETT:

Q. Mr. Purroy, does this have any demoralizing effect on the force in regard to having them reinstated after they have been discharged? A. Well, in my opinion — as I have stated, it has only been in paroxysms, this burst of interference by the courts, been very few such cases, and McCabe stands out almost without exception; I don't claim that I or the fire commissioners are infallible, and the Court of Appeals said we made a mistake.

By Mr. IVINS:

Q. Now, will you tell us just what the points involved in the McCabe case were? A. Yes, sir, with the greatest —

Q. Just what the commissioners did and just what the Court of Appeals did by way of compelling the reinstatement of Mr. McCabe? A. Certainly.

By Senator MCNAUGHTON:

Q. What was the full name of McCabe? A. John; John McCabe was a member of the uniformed force who had been in office as chief of battalion before I became commissioner; he was promoted afterwards when President Van Cott, myself and Commissioner Gorman were the commissioners, to be the second assistant chief of department

By Mr. IVINS:

Q. Who suggested his promotion, Mr. Purroy? A. I really could not tell; I think that occurred at the time that you referred to, a short

time ago when Bates got out; you see that necessitated a general putting up to places; Bonner went up and someone had to take Bonner's place; McCabe at that time was in charge of the repair shops, and I want to say for him that he had done his duty very well in regard to the repair shops; he had earned a great deal of credit by his management of the repair shops; in the year 1886, I got up one morning — I was at the Morton House; I went down to the restaurant and I picked up the morning papers; the first paper I saw was the *New York Herald*; it had an awful account of a fire which had taken place up in Harlem, and it said someone had lost his head, and it went on to tell how a chief of department — not naming him, I think — had, in a moment of excitment, sent out the call which was the most important known to our telegraph system at the time — the three sixes.

Q. What does that mean, Mr. Purroy? A. That is a call by which all the companies due at a certain point on third alarm, when they get this three-six call they convene from an area of the city taking in several third alarms; in this case it called every company from the Battery up to Thirty-fourth street — I wouldn't be certain that the line ran right straight across the city, but it called every company from the Battery to Thirty-fourth street out of service and kept them out of service for over an hour, and they, with their heavy apparatus, had to go from the Battery and from the different company headquarters to One Hundred Twenty-fifth street in Harlem; this gentleman sent out this call — oh, I got ahead of my story a little; while asking a question I forgot; when I read this thing in the paper I picked up the next paper; I saw that everyone of the papers were full of this occurrence; I didn't finish my breakfast but hurried as fast as I could down to headquarters, and then Shay — who, as I tell you, was a Republican, and Mr. McCabe was a Republican, he was then chief of department; I sent for Chief Shay and I said to him: "Chief, what is this I see stated in the papers; is it true that at this fire someone sent out an alarm which exposed all the city of New York on the Fourth of July" — for it was the Fourth of July — "for over an hour and left it without protection?" He says: "Yes, sir; it is true;" Says I: "Is it true that when you arrived there and heard of this call having been sent out that you immediately countermanded the call?" He says: "Yes, sir; it is true; I felt shocked and I immediately countermanded the call and remedied the evil as fast as I could;" "How did you do so?" "I called Mr. Gooderson, Chief Gooderson; I got a horse and wagon and I sent him down the only avenue that these companies could come up, with instructions that as he met each

company he should say to them, go back to your quarters as fast as you can; the chief has countermanded this order; Gooderson did so; he rode down Third avenue, and as each of the companies came up he countermanded the order;" and the truth is that not one of those companies that McCabe summoned away from their quarters ever did service at that fire; up to this time I did not know who sent out the call; I asked then, "Say! who was the one that sent out this call?" he told me "John McCabe;" "and you countermanded it?" "yes;" "who was right, now, after it is all over; who blundered; you, in sending these companies all back, or McCabe in sending out the call?" he says, "McCabe, sir; made an egregious blunder;" I says, "I don't want to hurry you at all in that matter; inquire into this matter and report to the board;" he says to me, "McCabe now feels that he made the blunder, and I hope mercy will be shown to him;" I says, "I have every disposition to show mercy to him; if he feels he has made a blunder and states it to the board, and it is a case where mercy can be exercised;" in two days after that, I sent for the chief, and I asked him if he had his report ready; he says, "Mr. President, I am in a very embarassing position; the worst I ever occupied since I came here; McCabe has decided to change his statement, and now says that his call was based upon necessity, and that I made the mistake in issuing the countermanding order, and I am forced now either to admit myself grossly in error or to prefer charges, and I have decided to prefer charges; charges were preferred against the board of fire commissioners —

Q. To the board? A. To the board; to the board of fire commissioners; the board of fire commissioners met—

Q. Who was the board at that time? A. The board of fire commissioners at that time were Richard Croker, who voted against McCabe's dismissal, Elwood Smith and Henry D. Purroy who voted in favor of it; and that is the first time there has ever been any division in the vote of the fire board, that I can remember; I don't know of any other division in its history.

Q. Did not that division make a very great deal of feeling, Mr. Purroy? A. A tremendous amount.

Q. Did it not almost disrupt the board? A. Oh, no; we went along very—

Q. Tell us the history of the controversy? A. The feeling it made was this; as soon as the case came to trial — oh, let me correct myself, Mr. Ivins; you know it is hard to be accurate in regard to all these facts; Mr. Croker did not vote against McCabe's dismissal; Mr. Croker was absent from the board meeting; Mr. Croker had gone away, and

had left word with the secretary that he had gone to Canada, but he had left Canada and gone to some other place; a place where it turned out afterwards was the Catskills, where they had daily communication with New York papers and everything of that kind; this case created the greatest furore in New York you ever saw; they stuck it in all the papers "Purroy is going to remove McCabe because he is so good a man;" "He is going to put his brother in his place because he is his brother;" "He is going to do everything that was terrible," and there appeared before the board an array of counsel such as has been seldom equalled unless in the Tweed case, and we gave them full latitude; heard everything; and after the case had been heard, and the testimony taken, Mr. McCabe appeared before the board and stated to the board that he was right and the chief was wrong — we have the stenographer's minutes for the committee, if you desire them, and that under exactly the same conditions he would do exactly the same thing if he was kept in the department; well, we thought that either we had to put out the chief or put out ourselves, resign or put out McCabe; the Court of Appeals thought afterwards, and one of the judges of the General Term, that there might have been a minor punishment, but we were advised by the corporation counsel that we could not degrade McCabe, that is, that we couldn't put him a step lower; that he had either to get ten days' pay or else he had to go out; well, we pondered over —

Q. You say that he had to get ten days' pay; you mean that he had to be deprived of ten days' pay? A. Well, we call it giving a man ten days; that is one of our technical expressions in the fire department; we say a man gets ten days when he loses ten days; just the opposite from what you would take to mean, but that is fire department slang.

By Senator McNaughton:

Q. Who was the corporation counsel, Mr. Purroy? A. If I remember right at the time it was Whitney.

Mr. Ivins.— I think it was Mr. Andrews, but I am not sure.

The Witness.— May have been Mr. Andrews. I wouldn't be sure. I couldn't tell; they have changed so frequently. I have been under most every one.

Q. Then you found yourself confronted with this position; that a man who had been removed by the board for the display of qualities which, in the judgment of the board, rendered it improper that he should be retained in the service, was, by appeal to the Court of Appeals, on the action of the Court of Appeals reinstated to that

place? A. Yes; I not only found that, but when he served his writ of certiorari the corporation counsel advised me that I had a good case, and Mr. Dean said there was no doubt we would win it.

Q. It was the corporation counsel who represented you and the city in that litigation throughout, was it not? A. I think, if I am not mistaken, that the corporation counsel appeared through the attorney of the board; didn't come up himself.

Q. Present attorney, Mr. Findley? A. Mr. Findley; so the corporation counsel told us, we had a good case and we would win it; when the General Term decided against us I prepared a statement, I think, setting forth clearly — one thing especially; I don't suppose you want to go into it, but one part of their reasoning that no one in the world can say is founded — you remember the fortiori portion Mr. Ivins, that we had the laugh on?

Q. Well, I don't remember it at all. A. Well, I would like to submit it to you again.

Q. I want to get at the main facts, which are these; first, that the Court of Appeals compelled you to take that man back? A. But I want to show you the obstacles we had; after that was prepared and submitted and adopted by the board, what you and I had agreed on — because I consulted you — we determined to appeal the case to the Court of Appeals; Mr. Mayor Hewitt sent for me and told me that I must not appeal the case to the Court of Appeals.

Q. Do you know why he sent for you and told you that? A. Why; well, I couldn't tell you; I suppose they got to —

Q. The General Term had reversed you, had it not? A. The General Term had reversed me and he didn't want to have it carried any further, and in spite of the decision of the corporation counsel, and he sort of bulldozed me and bulldozed the corporation counsel; now, you asked me about submitting to politicians; this is an instance where the mayor of the city of New York, who could remove me within five minutes, told me I must not appeal the case, and I told him I would.

Q. You do not mean to say he could remove you in five minutes, do you? A. Yes, he can; subject to the action of the Governor.

Q. No; because it takes a long while to prefer charges, to give you a hearing and let your counsel make speeches? A. No; may be that is not as accurate as one may be, but he could remove me in five minutes.

Q. His removal would amount to nothing unless it was placed on absolutely good grounds for maladministration or misadministra-

tion on your part? A. If you had a good Governor there, that is the case; if you had not it would not; he would put you out in a second.

Q. Then this defect in the system seems to reach all the way up, from a fireman of the third grade to the Governor, does it not? A. Well, that is a conclusion you must draw for yourself.

Q. You had to reinstate this man and you could not degrade him, and you had no alternative except to reinstate him back in this very serious command, where he might possibly again have an opportunity of recommitting the blunder, or else not have him in the department at all; was that it? A. Why, Mr. Ivins, the order that came from the Court of Appeals didn't merely reverse our decision, but it commanded us to put him back in the place he occupied.

Q. The specific place? A. Yes, sir.

Q. You might have done that, had you and Mr. Smith seen fit, after the decision of the General Term, could you not? A. I don't know whether Smith was there then, but the commissioners could.

Q. Was a resolution offered and passed by the board to take that appeal to the Court of Appeals? A. Yes, sir; that is my recollection.

Q. Did Mr. Croker vote for or against that appeal? A. I don't know about that; I don't think Croker voted on that question at all; now, I told you Croker voted against McCabe's dismissal, but I want — I told you I want to correct that; Croker was not present when we dismissed McCabe; during the entire week that we sat on that case Mr. Croker was absent, but when Mr. Croker returned to the city of New York, he made a motion in the board of fire commissioners that the McCabe case be reconsidered and that it be opened, and that what we had done be set aside.

Q. And that started the public controversy anew, did it not, in the newspapers? A. No; it had been started before that, Mr. Ivins.

Q. Did not that open it again? A. That helped; but I could stand that.

Q. Did not Mr. Croker go to the mayor, Mr. Hewitt, and ask him to oppose your taking that appeal? A. I do not know that he did.

Q. Have you never been told that he did? A. No; I never was told so, but there was some pretty strong influence brought to bear on our friend Mr. Hewitt, for I never saw an angrier man than he was when he told me I must not do it and I told him I would.

Q. Mr. McCabe is still in that position? A. Yes, sir; he is deputy chief of department.

Q. Do you think that the department and the service would have been better if Mr. McCabe had not been restored and in view of all

the subsequent facts, Mr. McCabe now being there as he is to-day? A. I think Mr. McCabe should have been removed when he committed such a gross error and showed such lack of judgment; I think that since he has been restored by the Court of Appeals he has done his duty conscientiously and well, and I think perhaps that, as the case with most of us, experience has taught him a great deal of wisdom; I don't believe he will ever pull the three sixes again without necessity.

Recess until quarter past 2 o'clock.

AFTER RECESS.

October 30, 1890.

Examination of HENRY D. PURROY, continued.

By Mr. IVINS:

Q. How long has Mr. Francis J. Reilly, deputy chief of the department, been in service, was he in the service before you went there? A. Francis J. Reilly has been in the service of the fire department ever since its organization in 1865.

Q. How long has he been deputy chief of the department? A. When we removed John McCabe, we made Francis J. Reilly, second assistant chief of the department, as it was then called, in place of John McCabe.

Q. Had he been chief of battalion prior to that time? A. Yes; he had been chief of batallion for many years before I came into the service.

Q. Now among these twelve chiefs of battalion, is there any precedence one over the other? A. No; they all rank on a par, but of course some of them, the most of them I think, although I would have to look into their names carefully in saying that, we have got from old times, and some of them by reason of the hard work they have done in the past, by any of the conditions that distinguish men are not in my opinion up to the mark in excellence that the others are, and therefore we endeavor as far as we can to place those whom the chief thinks most efficient and active and energetic in the most important places.

Q. Which of them has been promoted to chiefship of battalion during your term? A. Well, now I will go over the names; John J. Cashman, in the first battalion district, was made chief of battalion in my time.

Q. Well, let us stop with him for a minute; what was his position prior to that time? A. He was and had been for many years foreman of 29 engine in Fulton street, near Broadway.

Q. Was he made captain before being made chief of the battalion? A. Yes, sir.

Q. Who recommended his promotion? A. I do not think that a single soul in the city of New York, did; I think that Cashman's promotion as has been the case with many men in the uniformed force was solely based upon his long service and unquestioned merit.

Q. Now take the next? A. The next is Charles D. Purroy, Charles D. Purroy is my brother; he was appointed in the fire department long before I entered the service; he was made a battalion chief after I was a commissioner, not with my vote.

Q. What battalion is he in charge of? A. He has been placed in command of the district which I described as the one that Bonner filled, the hardest district, in the second battalion district, the dry goods district, and he has been there and kept at work like a race horse all the time.

Q. How long has he been chief of the battalion? A. I think five or six years.

Q. For those chiefs of battalion, the deputy chief and the chief of the department, is there any specific term of vacation? A. Yes, sir.

Q. What is it, and when do they take it? A. The rules applying to the uniformed force that I told you of, and they are very bulky, provide as to the leave of absences that these men have; among our firemen they have a day off in every ten days; our service is a very hard one in that regard; policemen can go home every second night, but a fireman can not go to his family, except to eat his meals, except once in ten days.

Q. Then is there any summer vacation for any specified time? A. Yes, sir; then as they raise up in grade the privileges extend slightly; for instance, a chief of battalion has a day off in every week, and they are each entitled during the summer months — they file their applications with their captains, and forward them all to the chief, and the chief, according to the exigencies of the service, passes on their application and gives to the firemen about a week, to the captains and assistants about two weeks, and to the chiefs about three weeks.

Q. Now, Mr. Purroy, can you explain to us anything about the organization of the fire department baseball club? A. There was some four or five years ago, at the time that baseball was quite a craze in the city of New York, a desire in the fire department among some of the members of the uniformed force to have a club, and they sent a committee and they made an application to the department to be allowed to form such a club; permission was given to them, provided in no way they allowed it to conflict with their duties; I did not know

at that time who were going to be in the club, but this brother of mine to whom you alluded was a very skillful baseball player; he was an athletic fellow like most of us, pretty healthy as a rule, and he was one of the chief men in the club that was formed; it existed but a very short time, when some of those who are so prone and anxious to circulate little quibbles and criticisms began to do so, and I sent for them and told them to break up, and they did so.

Q. They never went about the country having matches, did they? A. Oh, never; the only thing I knew them to do was to practice here in New York on off days, and, I think, to beat the police.

Q. All of which was entirely proper? A. All of which was exactly according to the rules that the chief laid down, and all of which was proper entirely in my opinion; I want to say one thing, that when I sent word to them that they had better dissolve, so as to give no ground even for criticism which had no foundation, they did so instantly, and they turned over to the relief fund the money which they had contributed and which was in the treasury to the amount, I think, of about $400 or $500.

Q. Now, who was the next one of the chiefs of battalion who was promoted during your term? A. Give me his name there, Mr. Ivins, and I will tell you.

Q. Well, you began with Mr. Cashman and Mr. Purroy? A. Then I will take the battalions —

Q. Go right through? A. The third battalion is Chief Joseph McGill; he was sitting here a moment ago, and I would like you to see him; he was appointed during my time; he came into the department at its organization; nobody recommended him in the world to me; the only reason for his promotion was his unquestioned merit and his long service; in that portion of the city of New York too where fires are very trying.

Q. What portion of the city is that? A. The lower portion; the dry goods district; he had charge before his promotion of one of the companies which I think is one of the model companies in this city; he had charge of engine 32, and it is to-day a company that it would pay anybody to see; at the very minute the alarm comes in the horses come out, the clock stops, the whole place is lit up with electricity, and it is a marvel in the way of good management, cleanliness and discipline.

Q. That was due to him that it was so built up? A. He was the one that originated those improvements, and his successors have carried them out.

Q. Who was the next one? A. The next chief of battalion was

Keogh of the fourth; Mr. Keogh was promoted during my time, and he was promoted when Mr. Croker was in the board because Mr. Croker imagined with good reason that he was a very deserving man, that he had done long service and that he ought to be promoted, and the other commissioners agreed with Mr. Croker; in the fifth battalion was Mr. Lally; Mr. Lally, a big, fine looking man too, was for many years in charge of this company right next door here, Hook and Ladder 1; our hook and ladder companies are the companies that do the hardest service; they have to break in the buildings.

Q. And that requires the greatest courage and nerve? A. Well I should say so; yes; this very company that he commanded was once at a fire in Grand street, and as the fire was proceeding and the company was on the roofs, the roof broke down and three of them went into the burning furnace, and that was the last that was ever seen of them.

Q. Now, who is the next? A. The next is chief Breslin of the sixth; he has his quarters in Thirteenth street; Breslin was chief of battalion —

Q. Bresnan? A. No, Breslin.

Q. Well, then there appears to be a mistake in the city record? A. Well, may be I am making a mistake; wait until I see; because we hear so many funny names nowdays, that we have got to be careful; is it Breslin or Bresnan?

SECRETARY.— It is Bresnan.

The WITNESS.— He was in the service long before I entered.

Q. The next? A. The next is the seventh; that is Chief Campbell; Chief Campbell was in the service long before I entered.

Q. The next? A. The next is the eighth; that is Chief Fisher; he is one of the oldest chiefs in the service; he was in the service long before I entered.

Q. The next is the ninth? A. The next is the ninth; that is the only French officer that we have in the service; that is Benjamin Gicquel.

Q. He is an old officer? A. He was in the service before I entered, and I think is the oldest of the battalion chiefs, not in years, but in point of service.

Q. The tenth; I will call the names now; Francis J. Reilly; Reilly, Reeves and Short are the ones you have not mentioned? A. I think I can name them all without any trouble; the tenth, that is the east side, up town; that is Chief Reeves; that is the first appointment I made after I went into the service; that is; after I had been kicked out of Tammany Hall; I took him on his merits solely.

Q. Now Chief Reilly and Chief Short? A. Chief Reilly is not there any more.

Q. Who has his place? A. Well, I told you some time ago he was appointed deputy chief of the department.

Q. I should not have said Reilly; Short? A. The next one is Chief Peter Short; when John McCabe was removed, Francis Reilly took his place, and when Francis Reilly was promoted to take McCabe's place, it left a vacancy in the chief of battalions, and that was filled by the promotion of the man who had received the Bennett medal a few months before for bravery, and that man was Peter Short.

Q. Was he a captain? A. He was a captain; he was a Republican and a captain, appointed by Commissioner Van Cott, the present postmaster, and he was appointed because he had received the Bennett medal; that is the time they said I was going to appoint my brother.

Q. Now, you have Chief Rowe? A. Chief Rowe is the man who was in the service long before I entered, and during many years — many of them while I was there, and many of them before I was there — he had done service in one of the most important districts, that lying just south of the second battalion district, and he had advanced in years somewhat, although not a very old man, and he was entitled to a rest, and we sent him to a district where the fires at that time were the lightest, the annexed district.

Q. Now, Mr. Purroy, will you tell the committee what the limitations on the appointing power of the commissioners are, so far as effects the members of the uniformed force? A. Up to 1884, in August, there was no limit upon the power of the commissioners, as we were advised by counsel, other than that they should be citizens of the United States and able to read and write; after that, the civil service law went into effect; it went into effect, I think, on the 29th of August, 1884; we did not oppose it at all; and after that, no man could be appointed on the uniformed force except in accordance with the rules adapted by the civil service, which were the rules which I had prepared and which they accepted.

Q. Well, if the civil service board were to report to you the name of a person who was not a citizen of the United States, you would have no power to appoint him, would you? A. No, sir; we would not appoint a foreigner.

Q. Now, I find this limitation in section 435 of chapter 410 of the Laws of 1882, and it is the only limitation that I find that is specific and general in its terms at the same time: "No person shall ever be appointed to membership in the fire department or fitted to hold membership therein who is not a citizen of the United States or who

has ever been convicted of crime, or who can not read and write understandingly in the English language, or who shall not have resided within the State one year?" A. That is right.

Q. Now, do you know of any person in the service — A. In the uniformed service?

Q. Do you know of any person in the uniformed service who have not been citizens at the time of their admission? A. No, sir; if I did, I would put them out at once.

Q. Now, do you know of any person in the force who has ever been convicted of a crime? A. Never heard of one; it would be our duty to summons him at once.

Q. Do you know one Soteldo who is in the force? A. No, sir; you are mistaken; I know one who is not in the force.

Q. Is there not any person named Soteldo in the force? A. No, sir; not in the uniformed force; they have given you a wrong point there.

Q. Do you know Soteldo who is in the department? A. Oh, yes, sir.

Q. Now, what do you construe this as meaning: "No person shall ever be appointed to membership in the police department;" there is no reference to uniformed force at all? A. I understand it and am advised that it applies to the uniformed force.

Q. Who has so advised you? A. Our attorney.

Q. The attorney to the board? A. Yes, sir.

Q. There is no reference made specifically in the statute to the uniformed force, is there? A. No; but you thought so and asked it in your question, but now you twist it off in another direction.

Q. I take one thing at a time myself; now, what do you understand as constituting membership in the fire department? A. I understand it to mean appointed on the uniformed force.

Q. Are you a member of the fire department? A. No, sir.

Q. Is the chief of the bureau of combustibles a member of the fire department? A. No, sir; not in my opinion.

Q. Is the superintendent of buildings a member of the fire department? A. Not in my opinion.

Q. Do you think that this refers only to the uniformed force to such an extent that a person not a citizen could be chief of the bureau of buildings? A. No.

Q. Why not? A. I am not positive whether there is any general law which prevents your appointing aliens to any place, but we have always adopted the rule of never appointing aliens to any place, no matter what place it is, laborers or anything else.

Q. Now, who is Soteldo? A. Soteldo is the son of the ex-minister of Venezuela.

Q. What office does he hold in the fire department? A. He holds the office of surveyor in the bureau of combustibles.

Q. Was Soteldo ever convicted of crime? A. A little paper called *The Evening Call* the other night stated that Soteldo had been convicted of crime; it was the first intimation I had ever had that that was the case; I immediately made inquiries; I had known of my own knowledge that Soteldo during his early youth had been a wild boy; I had known that after he had attained his majority he had absolutely reformed and that he had been appointed by the Republican administration in one of the departments of Washington, and that he bore letters in favor of his good character and ability from that department, and that afterwards the Venezuelian government had honored him, and itself, as they thought, by appointing him consul general from Venezuela to the United States at Washington; I asked Soteldo if it was true that he had ever been convicted of any misdemeanor or other offense; he told me that when he was a very wild and bad boy as he admitted, one night coming from a picnic he had engaged in an altercation; that he had provocation for it and that he had engaged in an altercation with a man; that that man made a charge against him and swore that he had lost money at the time that the altercation took place; that they went before the grand jury in that year, I think it was 1877, and that they had indicted him, and that he had no family at the time; his father was in Venezuela, he was without parents and without means; that he was brought up in the Court of General Sessions, and that he was there advised by one of the attorneys that appeared assigned to him to make a plea, it was the best thing he could do; that he absolutely refused to plead guilty to anything that was dishonest, but he plead guilty to having in his own defense assaulted and done the best he could to hurt the man that had assaulted him; the court found him guilty of assault on his plea of assault, and they sentenced him for I don't know how many months on the island, and the poor fellow came out and went to Washington and was appointed to one of the Republican departments and bore himself well, brought certificates of his fitness, was appointed by the Venzuelian government consul general, filled that trust with credit to himself and when there was a change in the Venezuelian government — and there were a great many changes in those South American governments — he lost his place, and one day when I was in Washington he came to me and told me of his situation; he had no people, he had lost his place; I invited him to my home; I told him to come to my house and partake of my hospitality until such time as he was able to support himself; I then in a few months had a little place of

collector of bad oil open, to go around and collect bad oil, and I offered it to him, and he took it at $800 a year; he performed his duties well there, and his superior certified him to me for promotion, and he went down before the civil service board; he was examined and the civil service board sent him to me as a fit candidate for surveyor, and the board of fire commissioners appointed him as surveyor.

Q. What does surveyor mean there, Mr. Purroy? A. Well, Mr. Ivins, our bureau of combustibles—the report would set it out fully, but they have a vast amount of work to do; they have to look out for explosives, for fireworks, for dynamite, for this blasting that is going on in various directions, for spurious oil that is being sold, and the term surveyor, which is a very high sounding one, does not mean surveyor of the port; it was termed that way when I went in, but it is a man who goes out among the contractors taking a copy of the law, and finds out if there is anything wrong going on, if kerosene oil is below proof, and is being sold, or if it is being sold without a license, or any of those things are being done which the bureau of combustibles thinks ought not to be done.

Q. Then he is simply an inspector? A. Yes, sir.

Q. What was his salary? A. His salary when he was oil collector, was $800; I think it is now $1,200.

Senator McNaughton.— Does he perform his duties well now?

The Witness.— Yes, sir; a most faithful man; I never saw a man in my life striving more to make up for the small faults that he has been guilty of in his youth than Soteldo, and I have tried to help him along, and I feel proud of it, and shall assist him whenever I am able.

Q. Now I find section 406— A. I could furnish you with a vast list of gentlemen, even in the reform movement, who have done service for their country.

Q. Do you know if any of them hold office? A. If you give me time, I could tell you; I could give you two to-day in our own district.

Q. Will you give us the names of all of them, not only pick out these two? A. I can give you the names of two of them to-day, if you want them, and I will look the others up if you give me time.

Q. All right; do they hold public offices? A. One of them does, and the other has just got out of it.

Q. Well, give us the names of both, the one that now holds public office, and the other who did hold public office. A. And if you will give me time, I will go through the various Assembly districts in the reform movement, and I will give you the names of the various gentlemen.

Q. If you want to assist the committee by telling us the names — A. No; I do not want to assist the committee at all, but I want you to understand that in this city, where we have got 2,000 men, it would be very strange indeed, if there would not be some man among them who, in his early youth, did not read the precepts of the Bible, and did not lead the perfect life that you and I do.

Q. Do you know of many persons who do not and have not lead such a life, and who have been punished for their breaches of law, who are in the several departments of the city government? A. I will give you two to-day, and that will be an installment.

Q. Will you agree to give us all? A. All that I know; I will have to look them up.

Q. Will you look them up? A. I think I will, if I get time; you have not given me much time.

Q. I will give you time to look them up? A. I do not know whether my duties will give me time; I will endeavor to do so; I might want a fee like you for serving before this committee; if you give me part of your fee I will go into this business with you and help you.

Q. You get a salary don't you from the city government? A. Not for serving this committee.

Q. I think you do? A. No; Mr. Ivins.

Q. Have I had any fee? A. I do not know.

Q. I assure you that I have not? A. No; but I am going to advocate your getting a good one.

Q. Will you make an earnest and serious effort to find the time within which, and within that time to make a list of the persons who are now in the service of the city, who have served time in any of the correctional institutions? A. I will look up the matter and I will give you the names of these two gentlemen connected with your movement now if you want them.

Q. Don't say my movement; I have no movement? A. Well, the movement with which you are connected.

Q. Don't say even that; you don't know that I am? A. Well, I do, if you please.

Q. Let us stop talking politics; am I a member of any committee to your knowledge? A. You are a citizen.

Q. We all are, aren't we? A. Yes.

Q. Then what makes you say my movement? A. Because I see you spoken of as one of the gentlemen who are now reforming the city of New York.

Q. That is through the action of this committee? A. Yes.

Q. Have you heard me mentioned as a member of any committee of the municipal league? A. No.

Q. I assure you that I am not? A. No; I have not said you were; do not make me contradict myself.

Q. Am I a member of the County Democracy? A. I do not know.

Q. Well; I tell you I am not? A. Yes; I used to meet you very frequently over in the County Democracy when I was there, and we used to go every night in the New Amsterdam Club.

Q. I wish you would confine yourself to matters under discussion and not talk about my politics? A. I wish you would not talk about mine; I am only endeavoring to hold my own with you.

Q. I have asked you to name the people; you said here under oath— A. I am going to name them.

Q. You said here under oath that you knew persons in the reform movement, and that you know persons in other movements here in this city who have served terms for crime who are in the city government? A. No; I do not; don't put words in my mouth; what I said was this —

Q. Now, who are they? A. I will tell you what I said; you must not put words in my mouth; but I am going to give you the names if you will give me a chance; I wanted to do it ten minutes ago.

Q. No; I am not going to give you a chance to name two persons whom you specifically and particularly want to name? A. No; I do not; it is nasty business; I do not like it all; but when you name anybody I think it is a good thing to give you a Roland for your Oliver.

Q. I named a man in your department, didn't I, for whom you are responsible? A. Yes, sir; and I named a man that is now supporting your friend, Mr. Scott.

Q. What has that got to do with me? A. A great deal; the people ought to know it.

Q. What has that got to do with the city government? A. A great deal; the people ought to know it.

Q. Now, name him? A. The first one is Mr. John Rogge.

Q. I never heard of Mr. Rogge; who is he? A. There is a whole lot of things you never heard about.

Q. Go ahead? A. I will tell you if you will give me a chance.

Q. Who is Mr. John Rogge? A. Mr. John Rogge has been, until recently, superintendent in the department of parks; he was convicted of brutality and dog fighting.

Q. When was he appointed in the department of parks? A. He has only left there within the last year.

Q. How long was he there? A. I could not tell you; quite a time.

Q. Who secured his appointment? A. The County Democracy.

Q. What man in the County Democracy? A. Couldn't tell you.

Q. How do you know it was the County Democracy, then? A. From general rumor, and the fact that he was appointed by the County Democracy commissioners.

Q. What commissioners? A. I could not tell you, unless I knew the date of the meeting.

Q. Do you know whether those commissioners had knowledge of the fact of his antecedent character? A. I think, may be, they did not; they were like you; they were entirely ignorant of his character.

Q. When was he convicted? A. That is the reason I want you to give me time to get at the records; I had occasion to go to the records once, and if you will go up to the society for the prevention of cruelty to animals, you find the dead dog stuffed, in a big glass case there, and there are remarks upon the shameful brutality of the act.

Q. Do you know what he was discharged from the park department for? A. Yes; he was not discharged at all; you can't claim that credit; he left the park department because Mr. C. F. Heintz made him his confidential collector; Mr. Heintz is the candidate for street commissioner on the fusion ticket in the annex district.

Q. Is that the reason you are so anxious to testify about Mr. Rogge? A. No; you brought it about; because I wanted you to have the advantage of knowing a few of them.

Q. Give the next one? A. The next one is Mr. Michael Feyth.

Q. Who is he? A. He is a young German.

Q. Is he now in the department? A. He is in the department of parks.

Q. How long has he been there? A. Oh, many years.

Q. Who appointed him? A. I could not tell you.

Q. Do you know what organization he was appointed for? A. I could not tell you; I think Mr. James J. Mooney; I heard him say so himself, but I do not know whether he speaks the truth, for he seldom does.

Q. You heard who say that, Mooney or Feyth? A. Mr. Feyth.

Q. Where does Mr. Feyth live, in the annexed district? A. Yes, sir; I am giving you two of my gentlemen up there.

Q. Did Mr. Rogge support anybody in politics? A. Mr. Bogge has supported every man who ever ran for office and has been against every man.

Q. Did Mr. Rogge ever support you? A. No; I think I always had Mr. Rogge against me.

Q. Did you ever have Feyth with you? A. Not to my knowledge.

Q. He was against you too? A. Yes; all the thieves are against me and all the dog fighters.

Q. What was Feyth convicted of? A. When Rogge was tried and convicted, although he kept a dog pit where the law was violated frequently, at that time he managed to have his sentence postponed, and he offered as a victim poor Feyth; Feyth went up and Rogge did not.

Q. Then was Feyth a criminal? A. Feyth was a criminal.

Q. And he suffered for another man's crime? A. Oh, no; he was there helping on the dog fight, but he did not know half as much as Rogge; one was a professional dog fighter and the other, poor devil, did not know much of anything.

Q. He was an amateur? A. He did not know much of anything.

Q. Is Mr. Feyth against your candidate for commissioner of public works in the annexed district? A. God knows, I don't.

Q. Do you know of anybody else in any of the city departments who has ever served a term for crime or misdemeanor? A. I am going to look up the list; I think I can give you some.

Q. Can you remember any now, this such a serious matter; I would not have mentioned these two, only that — I think it was two years ago that Mr. John Rogge declared himself as a candidate before the people, and feeling that, as a good citizen, I ought to imitate your good example and make the public aware of all these facts, I went down and got the facts in the district attorney's office and I made them public then, and I am certain of those facts; I went also to the Society for the Prevention of Cruelty to Animals, as you can on your way uptown, and there you will see the poor brute that was mutilated in this case and the record.

Q. The existence of the brute does not prove the crime, does it? A. No; but the record is there.

Q. When will you give the committee that list of criminals? A. I do not know that I will be able to prepare it, because I do not know that it is right yet; I will have to go to the district attorney's office; you know I might be mistaken.

Q. You have named these two people specifically as an act of good citizenship on your part? A. Because I have been to the district attorney's office and searched the records.

Q. You regard that as an act of good citizenship? A. Oh, yes, sir.

Q. Wouldn't it also be an act of better citizenship to assist us in finding out the others? A. Not any better but just as good.

Q. Will you perform that act of good citizenship? A. I will try and do so.

Q. Now we come to section 436, which is the next section after the one I read to you of convictions for crime: "No member of the fire department shall, under penalty of forfeiting the salary or pay which may be due to him, withdraw or resign, except by the permission of the board of fire commissioners;" will you explain to us what that means, and what, so far as you know, is the reason for such a provision? A. Yes; I will.

Q. I ask that because it appears to me on its face to be somewhat peculiar that a person should not be permitted to resign or can not resign without permission? A. As you know, Mr. Ivins, the laws are very complicated and funny, and that struck us as such, and therefore, we addressed to the corporation counsel of the city a question, and that is this: Whether any member of our department could resign *ipso facto;* whether he could go out of his own act; or whether we had to permit him to go out; and he gave to us his opinion that any man on filing with us an absolute resignation was out of our service and we had to give him no permission at all.

Q. Notwithstanding this provision? A. He looked at all the laws I suppose; he is supposed to do so.

Q. I supposed that that was the law, but this rather confounded me? A. Well, you know one day you will get information that the Consolidation Act has repealed one section, and the next day you will find it is in it, and it would take a Philadelphia lawyer to get over quibbles.

Q. Who is the head of the bureau of combustibles? A. Peter Seery.

Q. How long has he been in that position? A. He was there long before I went there.

Q. Who is the fire marshal? A. James Mitchell, the son of John Mitchell, who in 1848 led the revolution in Ireland.

Q. How long has he been there? A. He has been there I think only about a year.

Q. Was he appointed because of his relationship to his father? A. Well, if it had not been for his relationship to his father we could not have appointed him.

Q. What relation is he to you? A. He married my sister, I am very glad to say.

Q. Then in addition to being the son of John Mitchell he is your brother-in-law? A. Yes; that is another honor.

Q. Was he appointed because he was John Mitchell's son or because he was your brother-in-law? A. He was appointed, as I told you,

because having been John Mitchell's son and my brother-in-law and a competent, able, well educated, honest and trustworthy man, when a vacancy occurred the commissioners thought he was just the man to fill the place.

Q. What is the salary? A. Twenty-five hundred dollars.

Q. What were his qualifications for the place? A. Splendid.

Q. Tell us what they were — first, tell us what he has to do, and then what his qualification for doing it were? A. He is an educated man of fine intellect, of good character, steady habits and long business experience.

By Senator McNaughton:

Q. And physically capable? A. Physically capable in every way; not a very strong man you know, but a good wiry man.

Q. What was his business before he was appointed? A. He was for many years a member of the firm of Julius Bien & Co., one of the largest lithographing houses in this city.

Q. Now, what are the duties of the fire marshal? A. The duties of the fire marshal are to investigate all fires, and to ascertain the origin, the cause, and to especially look into the question whether there was anything of an incendiary nature connected with the origin or cause of the fire.

Q. Does that involve a knowledge on the part of the fire marshal of the general condition of the buildings in the city, and does it also require on his part detective skill and judicial faculty in the conduct of his investigation? A. In my opinion, what it requires is a clear intellect, good business ability and integrity of character; the gentleman whom he succeeded was Mr. Sheldon, and Mr. Sheldon was just as he was, a business man of experience and good character.

Q. Do you think his familiarity with the lithographing business particularly fitted him for the duties of this department? A. I think he has made an excellent fire marshal, and that is the best answer to that question.

Q. Have you ever heard of Ettinger? A. Oh, yes.

Q. Now, what do you know about Ettinger? A. Very little, except that he wanted to be fire marshal once, and we would not entertain the thought.

Q. When was it that he wanted to be fire marshal? A. About five or six years ago, I think it was; he came to me once.

Q. Do you know of any complaints having been made about any of the subordinates of the fire marshal as growing out of their relations with Ettinger? A. No complaints have ever been made to me.

Q. Have any ever been made to the department? A. They never have been made to the department within my knowledge.

Q. Have any ever been to the fire marshal? A. The fire marshal has never acquainted me with any such complaints.

Q. Do you know whether the fire marshal ever held an investigation of the relations of his men to Ettinger? A. I am sure the fire marshal has carefully investigated the relations of his men with all people connected with incendiarism or with suspicious fires.

Q. Have you ever had your attention called to the facts which were brought out in the matter of a fire which occurred at 656 Broadway on the twenty-third of March last? A. I have relied entirely upon the fire marshal's investigation.

Q. Have you ever examined his record? A. No; not in that case; no, sir.

Q. Have you ever examined the records of the proceedings before him in any case? A. I have looked over them frequently.

Q. Do you know whether any complaint has ever been made to him about Mr. Frank? A. If it has, it has never been forwarded to me.

Q. Who is Mr. Frank? A. Mr. Frank is a man that I appointed for Mayor Grace, and Mr. Simmons is assistant fire marshal.

Q. How long ago was that? A. Oh, way back at the time Mr. Grace was mayor, and you were his secretary.

Q. Oh, no; tell us when it was? A. I can't tell you exactly.

Q. Was it in 1881 or 1882? A. When was the second term?

Q. Don't you know that I was not his secretary after 1882? A. No; I don't know when you were.

Q. Then you should not testify under oath, if you do not know? A. Well, yes; I must give you the best information I possess.

Q. You volunteered here that it occurred when I was secretary? A. Yes, sir.

Q. What year was it? A. I could not tell you.

Q. Was it in 1881? A. I could not tell you.

Q. Don't you know that it was not in 1881; that you did not appoint Frank in 1881? A. If I did, I would answer you without your attempting to frighten me into saying it; you don't frighten me a bit.

Q. Wasn't it in 1881 that you appointed Frank? A. I do not know.

Q. Will you swear that it was not in 1881 that you appointed him? A. I will not, because I have told you already that I thought it was in 1884 or 1885.

Q. Don't you know I was not mayor Grace's secretary in 1884 or 1885? A. I do not know.

Q. Don't you know who was his secretary at that time? A. I do not; if I did, I would know you were not.

Q. Don't you know that Mr. Morrison was Mr. Grace's secretary at that time? A. I know he was at one time and you at other times.

Q. Don't you know that Mr. Turner was his secretary at that time? A. I know that he was his secretary at one time and I know you were at one time.

Q. Will you tell me why you said that Mr. Frank was appointed by you at the request of Mr. Grace when I was Mr. Grace's secretary? A. Because I imagined it was so.

Q. Are you testifying to your imaginings or to the facts? A. I am testifying to the best knowledge I possess and you are not going to frighten me into testifying anything else.

Q. What year did you appoint Mr. Frank? A. I could not tell you; you will have to go to the records.

Q. What occurred between you and Mr. Grace in regard to Mr. Frank? A. Mr. Grace spoke well to me in regard to Mr. Frank, and he told me that Mr. Simmons who was his particular friend at the time was anxious to have Mr. Frank appointed.

Q. Was Mr. Hardy's name brought up in that connection? A. Which Mr. Hardy.

Q. Any Mr. Hardy? A. Not that I remember; I do not know what Mr. Hardy you allude to at all.

Q. You have a friend named Dr. Hardy, haven't you? A. No; the poor fellow has been dead four or five years.

Q. Wasn't his name brought up at that time? A. Never.

Q. In any way? A. Not in regard to the assistant fire marshalship.

Q. When you were discussing Mr. Frank for the fire marshalship, wasn't Mr. Frank appointed at the request of Mr. Simmons, on condition that Mr. Simmons should do something for Mr. Hardy? A. By no means at all; no; you are imagining again.

Q. No, I am not. A. Yes, you are; you don't want me to imagine.

Senator FASSETT.—No; he is asking you a question; if it is not so, say no.

The WITNESS.—Well, I say no; absolutely.

Q. How many times did Mr. Grace speak to you about Mr. Frank? A. Once or twice at least.

Q. When? A. I could not tell you.

Q. Where? A. I could not tell you.

Q. What did he tell you about him? A. Mr. Simmons recommended him.

Q. [illegible] that he knew Mr. Frank? A. He told me that he would be pleased to have this taken into consideration and done if possible.

Q. Now, [illegible] Mr. Frank been there? A. If you will tell me [illegible] I will tell you how long he was there.

Q. [illegible] that you say you are bad at mental arithmetic [illegible] to answer you, you give me the record.

Q. [illegible] been in that department? A. Do I?

Q. [illegible] Now [illegible] are asking a question.

Q. [illegible] A. Well, I answered it then.

[illegible]

Q. [illegible] three or four years: don't fence on [illegible] A. [illegible] this gentleman.

Q. [illegible] A. Well, it is not.

[illegible]

Q. [illegible] to repeat them if it is [illegible] and repeat my answers [illegible]

[illegible] you can. If you can't.

[illegible] A. I can not tell [illegible]

Q. [illegible] against him? A. I [illegible]

[illegible] against him to [illegible] and if it ever [illegible]

[illegible] investigated any [illegible] heard there was [illegible]

[illegible] responsible for any [illegible] every mem-[illegible]

[illegible] from the [illegible]

[illegible] the lady [illegible]

[illegible] Now [illegible] that I can

read but one paper every day, and if you want to know that paper I will tell you what it is.

Q. Well, I don't care? A. I will tell you if you want to know; it is the New York *Sun* that I read.

Q. The *New York Herald* of four successive days printed certain matter with regard to Mr. Ettinger, Marshal Frank and Mr. Mitchell; did you see that matter? A. No.

Q. Did anyone call it to your attention? A. No, sir.

Q. Do you say you read the New York *Sun?* A. Yes; not every day, Mr. Ivins.

Q. I thought that was the one you read every day? A. No; sometimes; as I told you, I travel all over; sometimes you find me in Philadelphia; the next day you will find me up in Boston; whenever I can find that there is anything to learn in connection with the fire service, there I go.

By Senator FASSETT:

Q. Then you did not mean what you said a moment ago that read the *Sun* every day? A. I mean exactly what I said, and I ask the stenographer to read it; I said the paper I read is the *Sun.*

Q. You see, you make sweeping statements and then you forget? A. Well, I do not forget a thing, but you are trying to help Mr. Ivins out; but I can stand it and I want you to know that I am a match for both of you.

Senator FASSETT.— This is not a horse show, Mr. Purroy; this is a place for you to answer questions, and I want you to try and do it and not give us so many additional statements.

The WITNESS.— I am only trying to do it.

Senator FASSETT.— Confine yourself to the questions; answer them just as intelligently and succintly as you can and we don't want you to volunteer anything that is unnecessary to the precise answering of these questions.

The WITNESS.— That is what I am trying to do.

Senator FASSETT.— If you do that you will save us a great deal of annoyance and save a great deal of time.

The WITNESS.— I am trying to do it; I want to do everything I can to do just as you say, and that is what I am doing.

By Mr. IVINS:

Q. You read the New York *Sun?* A. Yes; more than any other paper.

Q. You have been reading it this present month, have you? A. Off and on.

Q. I call your attention to the fact that in the New York *Sun* of October tenth, there is an article entitled, "Are Adjusters Crooked; Sweeping Charges of Dishonesty in Settling With Fire Companies; Company Adjusters, Public Adjusters and the Assured Accused of Colluding to Cheat Companies; the Insurance Patrol and the Fire Marshal's Men Involved;" and then I find this: "The *Chronicle* also says it is stated that one or two attaches of the fire marshal's office in New York have a knack of making considerable money by methods distinct from their regular official duties; it is stated as a case in point that at a recent fire in Broadway they were seen helping themselves to goods;" did you read that number of the *Sun?* A. I don't remember it.

Q. Then has no one directly or indirectly, or has no one through the *Herald* or the *Sun* in this city, called your attention to alleged frauds in the fire marshal's office? A. No; there has been nothing specific, at all; if anybody will offer me the slightest reason of instituting an investigation in regard to the fire marshal's office, I shall do so, to be sure; not only that, but I shall be glad to place it in your hands.

Q. Well, we will take it? A. Oh, I should not wonder; but I say I shall be glad to have you take it.

By Senator FASSETT:

Q. You did not see this article in the paper? A. I do not remember it.

Q. If you had seen it that would have been sufficient reason to inquire, wouldn't it? A. Inquire into what?

Q. Into the administration of the fire marshal's office? A. So I have inquired into the administration of the fire marshal's office, and I believe it to be honest and able.

Q. If a reputable newspaper said that he was seen taking goods at a fire, would that be sufficient reason for you to make an inquiry? A. It does not say that anyone was seen; it says that they were, but does not say who.

Q. What I ask is whether you would regard that as sufficient notice to put you on inquiry? A. Oh, yes.

By Mr. IVINS:

Q. I will read it again. "It is stated that one or two attaches of the fire marshal's office in New York have a knack of making considerable money by methods distinct from their regular official duties; it is stated as a case in point that at a recent fire in Broadway they were seen helping themselves to goods?" A. Who are "they?"

Q. Referring to the fire marshals? A. The attaches; but who are "they?"

Q. The attaches? A. Who are they; which one of the attaches?

Q. Well, it says attaches of the fire marshal's bureau? A. Well, I have every day spoken to Mr. Mitchell — I see him every day — and I have asked him as to all his attaches there, not with regard to any specific allegation, for it is never made, and Mr. Mitchell tells me that his office is conducted properly and honestly and that the employes are faithful and good men.

Q. Has Mr. Mitchell ever told you that any specific allegations had been made against Marshal Frank in connection with Ettinger? A. Mr. Mitchell has never reported to me any allegation made against Marshal Frank, and I have never had any idea that there were any; if there are I would like to have them made.

By Senator Fassett:

Q. The fact that you did not make an inquiry into this matter is pretty good evidence, isn't it, to your mind, that you did not hear the accusation? A. I would not say that, you know; I know that there has been some talk about this man Ettinger, and I have very carefully questioned the fire marshal as to whether there was anything that could give rise to the suspicion that any of his employes were not honest, and I have understood from him that nothing exists of that character; I am very careful about my own reputation and the reputation of all men under me.

Q. Would the attaches of the fire marshal's office have any access to goods? A. Well, I should think it would be rather difficult for them to have any; but I suppose that most anybody could purloin moveable articles if they were thieves; they go in to investigate a fire and of course they look at the premises, and if there are any goods lying around loose, I suppose anybody who was a pickpocket and skillful could stuff something in his pocket.

Q. If they were so inclined? A. Yes.

Q. That is, they have access to goods? A. Yes; we have evidence every day of ladies doing it in dry goods stores.

Q. That is not answering my question; I ask you if these fire marshal attaches have access to goods? A. Yes; they go into the stores after fires.

Q. And if they were so inclined they have an opportunity to take goods? A. Why, certainly; any dishonest man has an opportunity to take goods lying around in that way.

Q. They are supposed to go into the stores to protect the goods, are they not? A. No, sir.

Q. What is their duty? A. That is the insurance patrol that does that; the fire marshal goes their simply to investigate how the fire originated and whether there was anything suspicious or leading to an incendiary origin in his opinion.

By Mr. IVINS:

Q. Isn't there another way by which the attaches of that office can make money, namely, that if sent to inquire into the origin of a fire incendiary, they report that it was not incendiary? A. Oh, I suppose any man charged with the duty of detecting wrong can sell himself, and I suppose these men if they found something that pointed clearly to incendiarism could go and sell themselves to those who were interested in their not making an honest report.

By Senator FASSETT:

Q. That is sell the suppression of their opinion? A. Sell their report, instead of making an honest report make a dishonest report; he suppresses the report; a public official could do that; there is not anyone I think who has not sometime or another that could command a price on the market.

By Mr. IVINS:

Q. Can they also make money by recommending adjusters? A. To whom?

Q. To the parties in interest? A. I do not know about that; I could not tell; I never thought of that; that isn't any of the duties of the fire department, to recommend adjusters; we have nothing to do with adjusters.

Q. Do you know whether there ever were any relations between Ettinger and Frank whereby Ettinger paid Frank money to recommend him as an adjuster? A. No, sir; I do not know anything of the kind; if you will furnish me with the proof of it I will look into it and remove Frank if he is guilty.

By Senator FASSETT:

Q. It is no part of the fire marshal's attaches duties to recommend adjusters, is it? A. No.

By Senator MCNAUGHTON:

Q. Or of the fire marshal? A. No.

By Senator FASSETT:

Q. But if they do recommend them it is simply outside of their duties? A. It is super-official, is it not connected with the fire department at all.

By Senator McNAUGHTON:

Q. Each insurance company has its own adjusters, doesn't it? A. Yes, sir; that is correct.

By Mr. IVINS:

Q. How long has John Matthews been there as a clerk? A. Long before I came into the service.

Q. William Sauer? A. I think he was appointed during the first year of the commissionership of Richard Croker, but I am not sure.

Q. Lawrence McGrath? A. Before I came into the department.

Q. Were Mr. Frank, Sauer, Matthews or McGrath any of them subject to the civil service rules? A. I told you a moment ago that the civil service rules applied in 1884, and I told you these men came into the department before I was there; the head of a bureau as you ought to know is not subject to civil service rules; that except Mr. Mitchell and the others, of course, if they were appointed before I came into the department; they were appointed nine years ago and the civil service rules did not apply until 1884 and that is not nine years ago.

Q. Then the civil service rules did not apply to any of these people? A. Read their names again please.

Q. Mitchell, Frank, Matthews, Sauer and McGrath? A. I could not tell you about Sauer; I won't be positive about Sauer; I told you I did not know the year he was appointed in, but if he was not appointed after 1884, it did not apply to him.

Q. Now, let us take the bureau of inspection of buildings; I find Thomas Brady is down as superintendent for $4,000; when was he appointed superintendent? A. When Mr. D'Oench, who was appointed on the recommendation of Mayor Grace, resigned.

Q. When was that? A. I imagine that was sometime on or about two years ago; I would not be sure as to the exact date.

Q. How old a man is Mr. Brady? A. I really don't know; I am a pretty good judge of age, but I really do not know how old Mr. Brady is; he is here, I think, if you would like to see him.

Q. I find this provision: "The chief officer of said bureau shall be the superintendent of buildings, and he and the deputy superintendents of buildings shall each be a competent architect or builder of at

least ten years' practice;" was Mr. Brady an architect? A. Mr. Brady certified to us that he was a builder, and that he had been engaged in the building business for over ten years.

Q. He so certified to it? A. So he did.

Q. Was any inquiry made as to where he had been in business, with whom he had been in business and what the character of his business had been? A. Yes; in a general way; Mr. Croker was the gentleman who urged Mr. Brady, and Mr. Croker made these inquiries and informed me that Mr. Brady was ten years engaged in the building business; so also in the case of Mr. Vreeland, and so also in the case of Mr. McKinney.

Q. Were they both appointed recently? A. Yes; they were appointed during my incumbency.

Q. Were these last two appointed before or after Mr. D'Oench went out? A. I think the Legislature passed an act about two years ago which created these two places, and they were appointed since the act went into effect.

Q. Were they subject to civil service rules? A. No, sir; the act exempted them from civil service rules.

Q. Do you know whether Mr. Brady is an architect or not? A. I really do not, but I think not.

Q. Do you know whether Mr. Brady was ever interested in the building of any of the great buildings in the city? A. I do not know how great the buildings were, he tells me he was a builder for over ten years.

Q. Do you know of your own knowledge or through inquiry whether he ever had any large contracts for execution? A. I do not know whether he ever had any large contracts for execution; I know [illegible] was promoted from deputy superintendent to superintendent [illegible] civil service, we always like to promote when we can in our department.

Q. Are the clerks of the bureau of buildings subject to civil service [illegible]? A. Yes, sir.

Q. Are the inspectors? A. Yes, sir, the inspectors have a double [illegible] there: before the [illegible] was a board created by the [illegible] and the law provided that [illegible] inspector he must pass examina- [illegible] when the civil service law [illegible] should pass a civil [illegible] to Mr. Woodman at the [illegible] we favored making the examination as severe as could be,

and we decided that in addition to the examiation by the board of examiners, they should also go before the civil service; so that in the case of building inspectors they first have to pass an examination as to their fitness before the board of examiners and then before the board of civil service commissioners.

Q. Are the members of the department who are subordinate to Mr. Smith, the superintendent of the fire alarm telegraph, subject to civil service examination? A. Not all of them.

Q. Which ones of them are and which are not? A. Read them off and I will tell you.

Q. Well, there are operators? A. Operators are not.

Q. The chief operator? A. He is not.

Q. The assistant operators? A. They are not.

Q. One is clerk, Mr. Van Cott? A. He is.

Q. The batteryman? A. He is not.

Q. Batterymen? A. They are not.

Q. Machinist? A. He is not.

Q. Inspectors of fire alarm boxes? A. Yes; the inspectors of fire alarm boxes are, I think; they both pass civil service examination.

Q. Linemen and firemen? A. They are not.

Q. Then the only persons in the bureau who are subject to civil service examination are the clerks and inspectors of fire alarm boxes? A. That is right according to my recollection.

Q. Now, in the repair shops I find William Lamb as superintendent of repairs to buildings; how long has he been in the department? A. Oh, long, long before I went in; he is one of the old timers.

Q. George W. Robinson is foreman; how long has he been in there? A. He was appointed since I went in.

Q. On whose recommendation? A. I think Robinson was appointed on the recommendation of Mr. Worthen, the maker of the Worthen engine; Mr. Robinson had been, for many years, chief engineer in charge of High Bridge, and he had also run ocean steamers and was a very careful man, and I think Mr. Worthen, on account of the fact that the engine run at High Bridge was a Worthen engine and was exhibited frequently, considered Robinson a very good exhibitor of its merits, and took more interest in his appointment.

Q. Now, I find in this bureau, or I will say in the repair shops — A. Yes; it is not a bureau.

Q. I find a number of machinists, machinist helpers, blacksmiths, wheelwrights, hose repairers, painters, are they subject to civil service examination? A. No, sir; they are not.

Q. None of them? A. None of them you have named.

[illegible]

[illegible]

[illegible]

never heard of that; they may have been sent if they asked for them.

Q. Did you never know of uniformed firemen through the city buying two tickets apiece for each of those excursions? A. The firemen in the city may have bought ten; I do not know whether they bought one or ten; they bought as many as they wanted.

Q. Who has charge of the funds of the Tammany Society of the annexed district? A. Until his death, it was Joseph Adamson, who was commissioner of accounts under Mayor Grace.

Q. Who has charge of them now? A. Mr. Vreeland, who is in the department of buildings in the fire department, is the chief one who has charge of them.

Q. Are the funds of that society being used in this election? A. I think that society always contributes as generously as possible to the success of the Democratic party in the annexed district.

Q. And they are contributing this year in the annexed district to the support of Mr. Haffen? A. It would be very contrary to their custom if they were not.

Q. And part of that fund results from the purchase-money paid by firemen for tickets to that excursion? A. I could not tell you; I could not divide it up; part of it comes from the purchase-money of the tickets, wherever that comes from.

Q. Is this excursion taken on your little boat? A. No; that is taken on one of the biggest boats that we can get around New York; why, they wouldn't hardly have room for you if you wanted to get aboard that next year.

Q. Do all the firemen go? A. No; only those who are properly on leave of absence.

Q. Are special leaves of absence granted to permit them to go? A. Not that I know of in any case.

Q. You never had an application made to you for leave of absence to go on that excursion? A. I never granted a leave of absence to go on that excursion, but I have had many people come to me and make application.

Q. Do you know of any other commissioner ever granting leave of absence? A. I do not.

Q. Do you know of the chiefs ever having gone on these excursions? A. Any one of the chiefs?

Q. Any of them? A. Oh, yes; I have seen a chief of battalion on that excursion.

Q. Have you ever seen the captains on that excursion? A. There are eighty-three captains, and I have seen a captain on that excursion.

Q. Every man who goes pays; doesn't he? A. There is nobody let on there — he can not pass the gang-plank unless he has got his ticket.

Q. That costs five dollars; doesn't it? A. It costs five dollars; we don't want to have too many and we raised the price.

Q. That goes into the funds of the society? A. That goes into the society treasury.

Q. That treasury is now being used in the election? A. That treasury generally contributes to the success of the Democratic party in the district.

Q. Do you know how much it has contributed to the election this time? A. No; I could not tell you; that depends upon the needs; we will put up every dollar we have got if necessary.

Q. Do you know how much there is in the treasury? A. I do not know; I am not an officer; but from the very start it has been one of the most successful associations in this city.

Q. Isn't it true that you have got five or six thousand dollars in the treasury at present? A. I could not tell; but I would not be surprised; I think if you said about $3,000 you would get nearer to it; I think so.

Q That you think will all be put up for election purposes, if it is necessary? A. If it is necessary, I would favor putting up every dollar.

Q. When that money is put up what is it used for? A. Chiefly in counteracting the circulars that are going around; we are issuing circulars, and postage stamps cost a great deal; we have men going over the registry list, sorting out the registry list, putting down those who are reformers, those who are citizens, those who are fusion men, those who are county democrats and those who are Tammany Hall men; then we send them out and try to persuade these men that are against us ,that the men they are supporting are the worst men in the world, and that our men are the best.

Q. Has that society any other source of revenue than these excursions? A. Oh, yes; a large source of revenue; no man can come into the society unless he puts up twenty-five dollars for his initiation fee, and that may have been increased lately — I do not know exactly, there are so many applications, and then he has to pay his monthly dues; then it owns real estate, and it lets out its hall, and it has a whole lot of sources of revenue, because it is a well managed affair.

Q. It, as far as possible, follows the general lines that have been pursued, historically, by the older Tammany Hall? A. I think it has improved on them.

Q. How many members of the fire department are members of the Tammany Hall Association of the annexed district? A. I could not tell you, but there are some.

Q. When I say members, I do not mean members of the uniformed force only, but how many persons in the employ of the fire department? A. I could not tell you, but a good many.

Q. Fifty? A. Well, I think that is a little large, but I would not be sure; I do not think our membership extends to over a hundred, but I am not sure of that even; we do not want everybody in there.

Q. You have got a hundred of them, do you think, about? A. I should think we had.

Q. Do you think forty or fifty of them are members of the fire department? A. That might be large, but I do not know; I could not tell; if you give me time, I will look up the roll.

Q. I would like to have you do that? A. All right; I will do it.

Q. Look up the roll, so that I can check them off? A. All right, sir.

Senator McNaughton.— And while you are at that, see where the remaining members belong?

The Witness.— I will do that; here is one of them, and I see two or three here now.

Q. Are they the gentlemen who are interested and pleased with your testimony? A. No; I think they are amused at you.

Q. I think some of them may have occasion to be, before I get through? A. I should not wonder.

Q. Are you a member of the older Tammany Hall? A. Yes, sir.

Q. That plays a very large part in the political life of this city, does it not? A. Well, I think it does; I have helped to beat it two or three times.

Q. You are a member of it now? A. When once you get into the Tammany Society, even if they expel you from the general committee, they keep you on the books of the society; once a member, always a member; Aaron Burr, I believe, is a member yet, although he is dead.

Q. Will you tell us what the organization of the Tammany Society is?

Senator McNaughton.— Now, Mr. Ivins, I had no objections to going into this at once, but it seems to me an examination of the fire department does not require from Mr. Purroy an examination into Tammany Hall; I, personally, haven't any objection to sitting here listening to it; I am aware that the testimony to-day contains a great deal that is not of any value to the committee.

The Witness.— I am ready to answer the gentleman.

Mr. Ivins.—You say the testimony contains a great deal that is not of any value to the committee?

Senator McNAUGHTON.—Yes, sir; I say the testimony.

Mr. IVINS.—I agree with you entirely.

The WITNESS.—So do I.

Senator McNAUGHTON.—For that reason it seems to me without there is a pressing cause, that you would better continue the investigation into the fire department properly and let Tammany Hall take care of itself. It seems to me so.

Mr. IVINS.—I have proved by this witness that he is the president of the fire department; I have proved that there is a smaller Tammany society in the twenty-third and twenty-fourth wards, known as the annexed district; I have proved as fully as it is possible to get at it what the sources of revenue of that society are; I have proved that a very large minority of that society are members of the fire department; I have proved that these annual excursions which are given are sources of revenue to that society, derived from revenue very largely from the members of the fire department who are subscribers for their tickets.

The WITNESS.—I have not said very largely.

Mr. IVINS.—I have proved by this witness that the funds of that society are used in elections, and he has said that they would spend their entire fund if it was necessary.

The WITNESS.—In a proper way.

Mr. IVINS.—That touches the Tammany Association or Tammany Hall or the Tammany Society, as it may be called, of this particular district. Now, we have in this city a larger Tammany Society and Tammany Hall. It is, historically, a very old institution. It has been more intimately connected with the politics and the administration of this city than any other institution. The resolutions under which this committee is acting are resolutions which direct it to inquire into the conditions of municipal government. This is originally one of the conditions of the municipal government of this city. I have found out from this witness what Tammany Hall is or the Tammany Society is, and I want to find out from him, if I can, how many of those more than 1,000 members of the fire department of this city are members of that institution also, and what other subscribers and contributions to that are, and what is done with those subscriptions and contributions in election campaigns.

Senator McNAUGHTON.—You have misunderstood me. My point is this: If a member of a fire organization performs his work efficiently and does it well, does it matter whether he belongs to the County Democracy or Tammany Hall?

Mr. IVINS.—It may, if he is called upon to put up money to go into a fund to influence elections.

The WITNESS.—But he is not.

Senator MCNAUGHTON.—As I understand it, this picnic is a social affair, gotten up by members of that organization?

The WITNESS.—Exactly.

Senator MCNAUGHTON.—And they do with their funds whatever they see fit.

The WITNESS.—Yes, sir.

Mr. IVINS.—We may find out very much more about that before we get through; we may find out before we get through that every fireman is expected to take two tickets.

The WITNESS.—Yes; and you may find that he is not.

Senator MCNAUGHTON.—My point is this: That the fire organization matters so far as pursued, have been very interesting to me; we have heard during the investigation a great deal of Tammany Hall; but it seems to me that if Mr. Purroy were confined to the delineation of the whole department, to giving us a photographic view of it and its organization, and the duties of the fireman and whether they perform their duties well or not, it will be sufficient for our purposes now; it looks to me that way.

Mr. IVINS.—Mr. Purroy, so far as I am concerned, will be asked to explain every possible detail of that system.

The WITNESS.—And he is ready on every point.

Mr. IVINS.—But is there no reason on the other hand why this department even in this present election should be interesting itself in behalf of one candidate or another?

The WITNESS.—It has not.

Q. What fire companies are located in the fifth Assembly district of this city? A. Just let me get the battalion map [map handed to witness]; I can not state to you from this map what companies there are, but there are five or six companies and I can give you some of them; this map does not show.

Q. Just give me the numbers of the companies and the names of the captains? A. I can not do that; this map does not show that; I will have to look up the statistics.

Q. Does that map show the numbers of the companies? A. No; it does not.

Q. Does it show the names of the foremen? A. No; it does not.

Q. Don't you know the names of any of the captains or foremen; now, take it in the fifth Assembly district? A. I would not like from memory to state them; do you say the fifth Assembly district?

Q. Yes. A. Oh, that is not the same as the fifth battalion district.

Q. I did not say the fifth battalion district. A. I could not tell you that without looking up the records; the Assembly districts and the organization of our service have nothing to do with each other.

Q. You know the fifth Assembly district, don't you? A. No; I don't even know the boundaries of the fifth Assembly district; all I know is that the fifth Assembly district is over on the west side and that it takes in the eighth ward, if I remember right, and some portions of other wards adjoining.

Q. Doesn't it take in the upper part of the fifth battalion district and the lower part of the seventh battalion district? A. I think it takes in a part of it; yes.

Q. Do you know of any companies located in the upper part of the seventh battalion district and in the lower part of the ninth battalion district? A. I would not like to state from memory.

Q. Is there anybody in the room here who can tell us — a member of your department? A. I can find out just as soon as you give me an opportunity; can I leave the stand?

Q. Certainly? A. After leaving the stand and consulting with chief of fire department -- this is such a puzzling question that even the chief of department on account of our entire unfamiliarity with Assembly districts is not posted upon the subject, but he thinks, as I do, that engine 30, engine 13 and engine 24 would be the ones Mr. Ivins wants.

Q. Who are the captains of those three engines? A. Wait until I get my little book; engine 30 has just had the captain changed; it used to be Scannell, and he was either removed or resigned, and I do not know whom the gentleman is that went there since Scannell has went out.

Chief BONNER.— It is Mr. Callahan.

The WITNESS.— It is Mr. Callahan; he is not a Tammany man.

Q. Is Cavanagh still assistant foreman there?

Chief BONNER.— He is still there.

Q. What is the next company? A. The next company is engine 13; that is in Wooster street, and the foreman is Daniel Lawlor; I think he is a gentleman that Postmaster Van Cott appointed, and the assistant foreman is Jacob Beekler.

Q. What is the next company? A. The next company is engine 24; that is in Morton street; the foreman is Mr. William McLoughlin; he is one of the oldest men in the service, and the assistant foreman is William Browning.

Q. Do you know these six men personally? A. Let me see again what was the first company?

Q. Callahan? A. Yes; I know Callahan well.

Q. And Cavanagh is with him? A. I do not know him as well.

Q. The next is Daniel Lawlor and Beekler? A. Daniel Lawlor I know.

Q. And the last? A. The last was engine 24, McLoughlin; he is one of the men holding the Stevenson medal for best discipline in his company, and he was in the force long before I entered the department; one of the old timers.

Q. William Browning is the assistant foreman with McLoughlin? A. Yes.

Q. Have you ever heard anyone say that any of these six men take an active part in electioneering? A. No; I have not.

Q. Have you ever known of any fireman in any part of the city taking an active part in electioneering? A. No; I never have.

By Senator McNaughton:

Q. Have you any regulation in regard to the prevention of officers or members of the uniformed force electioneering? A. No, sir; except those members of our force when they are on leave of absence can do as any other citizen; but when they are in our service they must confine themselves absolutely to the service of the department.

By Mr. Ivins:

Q. So that if it were proved that any of these men while in uniform and in the service, were electioneering, it would be a breach of duty on their part? A. They might be in uniform and till on leave of absence, but be violating the rule in wearing the uniform.

Q. Now, can you tell how many men there are in the force, so far as you know, who are members of the Tammany Hall organization.

By Senator Fassett:

Q. Is there any difference between that and the Tammany Society? A. I am pretty well posted in this district, and I want Mr. Ivins to tell me a few things — when you say the Tammany organization, what do you mean, do you mean the society or the general committee?

By Mr. Ivins:

Q. I mean the general committee first? A. No; I really could not tell you.

Q. Now, what is the difference between the Tammany general committee and the Tammany Society? A. The Tammany Society is a chartered corporation, chartered by the State of New York, over a hundred years old, and it consists of thirteen sachems and one grand sachem and as many members as are properly initiated; in that society is vested the title of the building in Fourteenth street; the general committee, on the other hand, consists of as many citizens as in the various election districts are elected at primary elections held in December for the ensuing year, and it meets in the Tammany Society headquarters in Fourteenth street.

Q, Isn't the Tammany Society controlled by the same men who control the Tammany general committee? A. I do not think so; I could not tell you about that; I know that they, without consulting me, and without my knowledge — I did not know anything about it until a week afterwards — I was very sick at the time — I have been elected one of the sachems of Tammany Hall; I was a sachem of Tammany Hall away back thirteen or fourteen years ago, and I am supposed to be one of the thirteen who control Tammany Hall; but, my heavens, I have no more control of Tammany Hall than you have.

Q. The Tammany Society is a charitable organization, is it not? A. I think one of its objects is supposed to be charitable.

Q. Do you know whether any investigation has ever been made by any State officer into the manner in which Tammany Society has performed its obligations as a charitable corporation? A. Really, I do not; I know there has been a great deal of fuss made in different years as to the abuses which certain people alleged were committed through that society, but I do not know what the investigation has ever amounted to.

Q. Now, you said you did not know how many members of the fire department were members of the Tammany general committee; do you know how many are members of the district committees of Tammany Hall? A. The Assembly district committees do you mean — because there are two district committees?

Q. Yes; Assembly district committees? A. In every district except ours there are two district committes; we have only one in ours.

Q. What are the district committees called? A. Their mode of organization is this, in every Assembly district, except ours — we have an independent system of our own up our way — they elect a general committee, and that general committee consists of as many men as they think are most important, and it is generally based on the vote of the district; they are entitled to a quota when voting in the general committee based upon the vote polled at the gubernatorial or

presidential election; then there is elected at the same time a much larger committee of men of minor importance in the Assembly district, and that is called the Assembly district committee; now, as we are on politics, the Democratic convention passed a resolution called the Cassidy resolution, and that resolution makes necessary a district committee in certain districts, because it has held that the general committee could not in conformity with the State regulations elect delegates to the State convention.

Q. Now, do you know whether any of the members of the fire department are members of these Assembly district committees? A. I do not know, but I should think some of them were.

Q. Have you any means of finding out how many of them are? A. I could go over the list of the Tammany Hall general committee and then get a clerk and some assistants to tally off and I could find out in that way.

Q. Having the general committee, we can do that; is there any way in which it is possible to get a list of the district committees? A. Yes, sir; they are all elected on one ticket; but up our way we do not elect the district committee.

Q. Is the name of the district committee printed in the same book with the name of the general committee? A. No; not in the book; I never said it was in a book, but it is printed on a ticket that is run at the primary.

Q. Do you know whether any of the men on the force are members of the Tammany Society? A. I do not know, but I would not be surprised if there were; I could not now, if I got a million dollars, give you the name of a member of our fire department that I am sure is a member of the society.

Q. Have you ever heard of any members of the fire force making contributions to campaign funds? A. No; I never heard of it.

Q. Have you ever heard of any firemen ever contributing to the Republican campaign funds? A. No; I never heard of it.

Q. You never heard of their contributing to the Democracy campaign fund? A. Do you mean the County Democracy?

Q. Either County Democracy or Tammany Hall? A. You said Tammany before and then you said Republican and now you say the Democratic, and I want to know which you mean.

Q. I didn't say anything of the kind. A. Didn't you?

Q. No. A. Well, I thought so.

Q. I asked you if you had ever heard of their contributing to political campaign funds, and then I asked specifically about Repub-

licans, and then I asked about Democrats? A. I could not tell you about anything so well as I could about that which I am connected with; but I can say in general terms I never heard of their contributing a dollar to any political purpose.

Q. Have you ever known of their being called upon to make contributions? A. Never.

Q. Have you ever known any of the ununiformed employes of the board making contributions to the campaign funds of either or any political parties? A. No; outside of myself; I always make a contribution.

Q. Have you never known of the presence of a collector of contributions going about your department and asking for money from clerks and subordinates? A. I have seen a gentleman pretty well known, named John D. Newman, in and around headquarters.

Q. Who is he? A. He bears the reputation of being the Tammany collector although I do not know whether they have turned him out; they did one and I do not know whether they have re-appointed him, but everybody that has ever spoken to me about him, I have told not to pay any attention to him.

Q. Is he the man who is known as the "Wiskinski" of Tammany Hall or something of that kind? A. I do not know whether he is Wiskinski or not; there was a time when he was; although they have elected me a sachem; the only meeting that I have attended of the Tammany Society, was the one at which I was inaugurated, and I really do not know who is the Wiskinski now.

By Senator FASSETT:

Q. Is that an Indian term? A. That is supposed to be very Indian.

By Mr. IVINS:

Q. Have you seen Mr. Newman about your department this present fall? A. No, sir; I have not.

Q. As one of the sachems of Tammany Hall, can you tell us who is the custodian of its records?

Senator MCNAUGHTON.— Mr. Ivins, allow me to again say that it does seem to me that this examination should be confined to the fire department. We learned from Mr. Croker the history of the Tammany organization. We had the books here and learned a great deal about it, and the records show it, and as far as I am concerned, I do not see what earthly connection there is between the organization of Tammany Hall and the fire department. Now, it is an undying truth, I suppose, that there are members of the Tammany Society in the city

of New York and of the County Democracy, and of the Republican party and the Fusion party, but I can not see why if a fireman or a member of the fire department does his duty faithfully and well, does nothing that subjects him to a reprimand or complaint, it makes no difference whether he belongs to the Fusion party, the County Democracy or the Tammany party. For my part I would not care two skips which he belonged to if he did his duty faithfully and well, and I do not see of what value it can be to this committee to learn what political party he belongs to.

The WITNESS.— And I have already shown that I have been influential in promoting as many Republicans in the fire department as I have Democrats, and I can cite their names and do it with pleasure.

By Senator FASSETT:

Q. Nobody has been making any accusations against you, have they? A. No, sir; I should not think so, because they would be easily disposed of.

Mr. IVINS.— I want to prosecute this inquiry so far as follows all these great departments into that one common center, and I want to know now, and the only remaining question I want to ask is, who the custodian of the records of that society is?

The WITNESS.— Let me answer it, please; I don't know.

By Mr. IVINS:

Q. Now, turning to your report at page 11, I find that in your report of the expenditures the following amounts are under contracts awarded under proposals advertised for as provided by law? A. Is that on page 11?

Q. Yes, and that says that the expenditures so made under such contract were for that year $130,456? A. That is right.

Q. I find that you have an item for placing fire alarm telegraphic electrical conductors underground of $39,000? A. That is right.

Q. An item for new houses in West Thirty-sixth street, West One Hundred and Thirteenth street, hospital and training stables, $66,387? A. Yes, sir.

Q. A new floating engine, $58,450, making a grand total of $294,403.15; now, you did make expenditures of money, did you not, for supplies of certain classes not upon proposal or competitive bidding? A. The exigencies of our service require that we do so at times, and I will explain how, if I am permitted.

Q. Is there any statement in this report of the amount of money so spent for the year 1889?

The WITNESS.—Addressing Secretary Jussen — Col. Jussen, have you stated in that report the amount expended in repairing engine-houses for instance, where it was not on contract?

Secretary JUSSEN.—No, it is not stated in here.

Q. Do you know of any reason why, having stated the expenditures made under contract, the expenditures not made under contract should have been omitted? A. I know no reason for omitting it; I would be very glad to put it in.

Q. Now, will you explain to us generally what class of expenditures are made not under contract? A. As I said a moment ago, the exigencies and the peculiarities of our service are such that at times we have to make repairs to our engine-houses and we have to make these repairs very speedily; our companies many of them are in the thickly populated sections of the city of New York, where if a company were thrown out of service it would be impossible to house it and therefore we must not throw it out of service, and we must do these repairs in the very speediest possible manner, and the repairs are of a peculiar nature; our whole service is peculiar, and the charter expressly authorizes the commissioners in their discretion to incur any obligation under $1,000 without competitive bidding and after advertising.

Q. Have any obligations of over $1,000 ever been entered into without advertising? A. Not to my knowledge ever.

Q. Who are Arctander & Company? A. Arctander is a German citizen who was a successful cabinet maker and carpenter and who was a member of a very reputable firm engaged in that business and who in a contract with the city for school-houses, by reason of rise of material, had some difficulties in business and after that he had to go to work until he got on his feet again and he was appointed to a place and then he became carpenter in the fire department service; he was employed as carpenter in the fire department service for several years until he has acquired familiarity with the service and its needs and then he began to make bids, and he having done some of the best work has done a great deal of our carpenter work.

Q. Who is the company of that concern? A. I do not think it is called Arctander & Co. now; I think it is called Arctander & Seabold on their bids.

Q. At present? A. Yes, sir.

Q. It is the same concern that used to be Arctander & Company isn't it? A. I do not know about that; I know nothing about the affairs of the firm except as they come into us on their proposals.

Q. Do you ever sign any of the vouchers of the department? A. The bills against the department?

Q. Yes? A. Yes, sir.

Q. Were not their bills always put in until their firm became Arctander & Seabold as Arctander & Company? A. I do not know about that; it has been Arctander & Seabold for some time, and it may have been so, because when Arctander failed he had to take most of his work in his wife's name I believe; the man was in difficulties and trouble, and I do not know what his company was.

Q. Who is this Mr. Seabold; the late deputy commissioner of street cleaning? A. The gentleman appointed by Mayor Grace, as I said yesterday, deputy street commissioner of the city of New York under James F. Coleman.

Q. And he was recommended by you to Mayor Grace? A. No; recommended by another gentleman, and I joined in the recommendation.

Q. Is this the same Seabold who served a term in prison in New Jersey? A. Prior to his appointment by Mr. Grace in the street cleaning department, I had met Mr. Seabold but twice in my life; Mr. Seabold was appointed on the recommendation of this other gentleman, by Mayor Grace, in the street cleaning department; after he had been there for some years, he disagreed with the head of that department, Mayor Hewitt, and he was turned out; at that time his political enemies circulated through the city of New York the statement that he had at one time in his youth been convicted of some misdemeanor, or crime, I do not know which; I at once went to Mr. Seabold, as I do in all such cases, and I asked him what the truth was in regard to it; Mr. Seabold told me that way back some twenty odd years ago, he and some young men went on a lark in New Jersey, and took a little too much to drink, and hired a horse and spent all their money, and they were unable to pay for the horse, and therefor drove in towards New York, and left the horse in a stable; that he was arrested; that he was tried before one of the Jersey justices, and that he was convicted, and he, being without friends, served this punishment; I then advised Mr. Seabold if that was the case, to have his record made clear; so he went before the board of pardons in New Jersey, presented his case, and the board of pardons in New Jersey — one of the severest boards that sits — heard his case, and wiped out everything.

Q. Now, Mr. Purroy, I call your attention to the fact as shown in the proved statements of the accountant which were introduced and verified under oath yesterday morning — I will read to you a statement of the amount of moneys spent by your department during the years from 1884 to date, where there has been no competition in the

bids, and then I will take them up more in details afterwards; Ash & Buckbee, for plumbing and gas fitting, $6,478; Arctander & Co., carpenter and mason work, $68,121.

Senator MCNAUGHTON.— Will you refer to the section of the Consolidation Act that allows them to do such work?

Mr. IVINS.— He has just sworn that there is such a section.

Senator MCNAUGHTON.— Mr. Purroy, do you remember the section that aroused you to do it?

The WITNESS.— No; I could not turn to the section. Mr. Findley, I suppose, has that in his head, but I guess Mr. Ivins perhaps knows that better than he; the Consolidation acts are pretty hard acts to remember in detail.

Mr. IVINS.— It is section 64.

Q. I call your attention first to some of the principal of these items; Arctander & Co., $68,121; H. E. Bowns, for coal, $44,000; Clapp & Jones Manufacturing Co., contracts for engines, repairs and fittings, $58,000; W. H. Dodds, for carpenter work, $11,000; I. H. Dahlman, for horses, $60,000; the Eureka Hose Co., for hose contracts, $37,670; the Gutta Percha Rubber Manufacturing Co., for hose contracts, $69,696; Horace Ingersoll, $14,000; La France Engine Co., $33,791; John Monnan, hay and feed, $141,000; Peerless Manufacturing Co., hose contracts, $24,023; Pearce & Jones, additional fire alarm telegraph apparatus, fixtures, fitting, supplies, $34,402; R. J. Wright, hay and feed, $2,001; Wynant & Terhune, coal, $33,335; French & Terhune, $4,972; William Terhune, coal, $19,186; Samuel G. French, agent, coal, $22,404; the Standard Underground Cable Co., placing electrical conductors underground, $11,988? A. Do you say those are without advertising?

Q. Those are sworn by our accountant as having been taken from the books of your department as having been expended without advertising.

The WITNESS.— Do you know if that is right from your data there, Mr. Secretary?

The SECRETARY.— No, sir; I can not tell from this data.

The WITNESS.— Well, I will look it up.

Q. Now, I will call the attention of your secretary to a few specific items to look up? A. All right, sir.

Mr. IVINS.— Arctander & Co., warrant No. 6,387, of April, 1880, $978.

The SECRETARY.— We can not identify them by warrant, because they are paid in the finance department.

Mr. IVINS.— I will give you the date of the payment; I find that was paid in April, 1889, $978; in March, 1889, $949; in February I find

four payments, one for $373, one of $61, one of $912, and one of $739; I find there was paid in the month of July, 1888, $1,281; in the month of May, 1888, $1,100; I will have a copy of this sent to you by the stenographer.

The WITNESS.— That would be the better way.

Mr. IVINS.— There was paid in April, 1888, under two items, $856 and $495; in March, 1888, $1,428; going back to October of 1887, $1,338; in April of 1887 — and I am only taking occasional items right along, as illustrations — three items, $317, $718 and $869; now, I take those out of two long pages of items; you will look those up specifically.

The SECRETARY.— Yes, sir.

Q. Now, what are the conditions of the business which make it impracticable for you to do this class of work as now done by Arctander & Co, by submitting it to competitive bidding? A. Sometimes there are no such conditions, and when there are not, and it looks anything like something that ought to be done by contract, owing to the amount, we do it by advertising, but very often it is for the interest of the city that it should be done in the way that we do it, and in the way in which it has been done ever since the organization of the department, and in the way in which it is done in every fire department service in the United States, and the reasons are these — I explained them a moment ago, and I will tell them again; our companies would be very much crippled if they were thrown out of service, therefore the work must be done very speedily; if we were to throw them out of service, there are parts of the city of New York where we could not house them at all, and it would expose that portion of the city of New York to danger from fire; then again the work is of a peculiar character; our apparatus is exceedingly heavy, some of them weighing as much as 1,100 pounds, and our floors are laid in a peculiar manner; they consist of long, narrow, heavy joists; they are not nailed down, but they are rivetted into the floor by wooden pins; they have to be so laid that the electrical apparatus is not interfered with; our horses are all tripped by that electrical apparatus; our stalls are of a peculiar kind; they have patent basins for the urine of the horses; our stairs are of a particular kind so as to economize room; they are circular stairs, as a rule; our brass poles are of a particular kind, and the openings; the openings have to be made so that as the men jump on them they give way, and for all these reasons, on many occasions, when we deem it exposing the city to great danger were we to throw the company out of service, or were we to extend the time that would be taken up in

advertising, we do it in this way; and it is for that very reason that the law has given us this discretion, and this matter has been explained to all the mayors of the city of New York, each one of whom has gone on record of approval of our course.

Senator McNAUGHTON.— Mr. Purroy, section 64 requires that no expenditure for work or supplies, involving an amount for which no contract is required shall be made, except the necessity therefor be certified to by the head of the appropriate department. Now, under your administration do you know of any expenditure over $1,000 that has been made, except where the necessity therefor has been certified to by the head of the appropriate department?

The WITNESS.— No, Senator; I do not.

Mr. IVINS.— It is always certified to in that way, is it?

The WITNESS.— In what way?

Q. As prescribed by the statute? A. Let me hear that again.

Senator McNAUGHTON.— The last part of section 64.

The WITNESS.—What is this, in regard to the *City Record*, is it not?

[The section was read as follows: "No expenditure for work or supplies involving an amount for which no contract is required shall be made, except the necessity therefor be certified to by the head of the appropriate department, and the expenditure has been duly authorized and appropriated."]

The WITNESS.— We comply with that in every case. Mr. Eichkoff explained that to Mr. Ivins, yesterday. He told you that long before he came into the department, or I, that Mr. Lamb had been appointed, and that is the system pursued in every fire department of the United States. Mr. Lamb is a competent builder, and Mr. Lamb makes out a specification, minutely describing everything necessary, and then fixes on a figure which he deems to be economical and right, and then, if it has to be done immediately and it has to be done without advertising, a bid is taken from one of the men that we think can do the work properly, and it is submitted to the board, and the board votes on it, and it goes to the superintendent and he carries out the order of the board — first it goes to the chairman of the committee.

Q. Did Arctander & Co. do anything other than building and mason work? A. I think that is the chief work; they are engaged, you know, outside of our department in other work.

Q. Oh, I understand that; I take this as an example; I find in the month of April, 1887, that there was paid to them for work done, as far as the record shows, without any competition, or not on contract, amounting to $3,461; have you ever taken any steps to see whether it was possible to so consolidate the items of work done or to be done

by them as to make it possible to bring it in within the statutes for contracts? A. Yes; we have always been very anxious and very careful to avoid any order under a thousand dollars which could be done properly in connection with some other order and which could be advertised; we I think have been very cautious; that matter goes to the chairman of the committee on buildings, and he has been instructed to be very careful in regard to that matter; that gentleman is now Mr. Anthony Eichkoff; and I want to say as to $3,000 being paid in June, that does not mean anything, because sometimes bills are held back, and there might come in a spurt of bills all in one month, that makes it run way up about that figure.

Q. Can you explain an item of this kind, "George W. Wynant & Co., coal $999"? A. No; you would have to ask the chairman of the committee that had that under consideration.

Senator FASSETT.—That is just inside of the limit?

The WITNESS.—That is just inside the limit if it was given out without contract, and I do not know that as a fact.

Senator FASSETT.—Coal can be bought without waiting for an emergency to arise?

The WITNESS.—Yes; but that is a particular kind of coal sometimes an English vessel will come in, and we have to get this cannel coal, and we have to get it right on the spur of the moment, and if we do not we get left; that is very often the case.

Senator McNAUGHTON.—Do you buy English cannel coal?

The WITNESS.—Yes; we have to.

Senator McNAUGHTON.—There is not coal in this country that you could use?

The WITNESS.—Well, we buy some; but the chief of the department is of the opinion that the only kind of coal that should be used in our fire engines, the coal that works best, is that English cannel coal.

By Mr. IVINS:

Q. Now, I find that during this time you paid for the item of coal without competition or contract the sum of $125,542? A. Is that correct, Mr. Secretary?

SECRETARY.—I can not tell.

The WITNESS.—I can not tell either; if you will furnish me with the data I will go over it carefully and prepare myself.

Q. Will you explain why it is that you should buy from H. E Bowns without contract during this period $42,000 worth of coal; that you should buy from Samuel G. French, agent, $22,000 worth of coal; that you should buy from William Terhune, $19,000 worth of

coal; that you should buy from Wynans & Terhune, $33,000 worth of coal? A. I do not know that that is so, at all; you are reading from a statement that I have not had anything to do with making up, and I do not intend to commit myself to it, but if you will furnish it to me, I will go over it, and if it is right, I will testify to it with the greatest pleasure.

Q. Do you know, of your own knowledge, whether the coal used by your department is, in the main, purchased with contract or without contract, with competitive bidding or without competitive bidding? A. I think, in the main, it is purchased by contract; is that right, Mr. Secretary.

The SECRETARY.— Yes, sir.

Q. Will you look over these figures when you get a copy of this part of the minutes, and check them off and see if they are correct; and also have prepared a statement of the amount in value of the coal purchased by the department under contract after competitive bidding? A. Yes, sir.

Q. During this same period? A. Yes, sir; with great pleasure.

Mr. IVINS.— Then, Mr. Chairman, that is all I have for to-day.

The WITNESS.— One minute; I understand that I am —

Senator FASSETT.— You are excused until we notify you that you are needed again.

The WITNESS.— I can go on and attend to my duties?

Senator FASSETT.— You can go and attend to your duties, and we will give you notice when to appear again.

The WITNESS.— All right; much obliged.

Senator FASSETT.— Mr. Ivins, you will have those witnesses here in the false registration cases to-morrow morning?

Mr. IVINS.— Yes; I will summon those for to-morrow morning.

Adjourned to October thirty-first, at 11 A. M.

NEW YORK, *October* 31, 1890.

Present — Senators McNaughton, Ahearn and Birkett.

PHILIP CASSIDY, called as a witness, being duly sworn, testified as follows:

Senator MCNAUGHTON.— Mr. Ivins, before we proceed with the witness, I would like to make this inquiry: How far will this investigation extend into alleged illegal registration?

Mr. IVINS.— Well, it can not extend as far as it might if the committee had more time. My purpose now is to find out exactly what

the police department, as a department, does; to observe and watch these lodging-houses; to find out, as far as possible, from the police captains in the precincts, what the character of the people living in these houses is, and how well they are known, if known at all, to the police; to find out from the police what the character of each one of these lodging-houses is. As an illustration, I will say that Inspector Williams said to me that there was one house from which there were seventeen persons registered, and in which house he had been officially advised there was not a single bed. And having laid the foundation in that way by discovering exactly what assistance the police can render, and how far they do render assistance along the lines which are opened to them, I then propose to call the persons who own or run these lodging-houses, and I have subpœnaed them, with their lodging-house books, and I want them to make a comparison of the registration with their lodging-house books, and so, from one house to another, see how many persons are registered who are entitled to register, as shown by the record of the lodging-house, and how many are not entitled to register. And then I do not see that this committee can go any further than that, except to also get the material from the health department, which the health department has touching these lodging-houses, and some matters of the same kind in regard to the discharge of criminals and others from the islands, who have come over here and registered for purposes of the election, who have been discharged right on the eve of election by the action of some of the police magistrates. That, so far as I know, will consume all the time that the committee has at its command. But the first effect of it will be, in case we find that these charges are justified or well-grounded at all, to enable the proper officers in the city, magistrates or others, to take the necessary steps to prevent the carrying out of the alleged proposed frauds against the franchise.

Senator McNaughton.—I discovered in an evening paper, and in a morning paper as well, that Justice Mitchell has issued several warrants for the arrest of certain parties, and they are in the hands of officers now. I would like to know if this investigation will not interfere in any way with the ends of justice?

Mr. Ivins.—Not in the least.

Senator McNaughton.—What steps have the board of police commissioners taken to prevent illegal registration?

Mr. Ivins.—That is one of the things we are going to find out from Inspector Williams when he comes; I have not subpœnaed many of the police captains to-day because I did not want to interfere with their work, but Inspector Williams is one of the chiefs of the depart-

ment, and he will be able to testify as to what directions have been given to him, and the captains.

Senator McNAUGHTON.—It seems to be charged that there are people who have illegally registered in the fifth Assembly district. Are any warrants issued for persons in that district?

Mr. IVINS.—They have issued warrants for people who live in several districts; some in the fifth Assembly district, some in the eighth Assembly district, some in the third Assembly district, and some in the tenth Assembly district. The eighth Assembly district is the one which I now propose to take up with Captain Cassidy, part of that district being in his precinct and part of it in other precincts of captains that some of these marked cases appear.

By Mr. IVINS:

Q. Captain Cassidy, how long have you been in the police service? A. Nearly twenty-one years.

Q. How long have you been a police captain? A. Three years and eight months.

Q. By what board were you appointed; that is, who constituted the board which appointed you captain? A. Commissioner Porter, Commissioner Voorhees, Commissioner French and Commissioner McLean.

Q. What is the number of your precinct, captain? A. No. 11.

Q. What are its boundaries? A. The east side of the Bowery from Division to Houston, the south side of Houston, from the Bowery to Clinton, the west side of Clinton to Rivington, the north side of Rivington to Norfolk, the north side of Norfolk to Division, the north side of Division to the Bowery.

Q. Then it takes in both the north and south sides of Rivington? A. That is a portion; it takes in both sides of Rivington from Norfolk to the Bowery and one side of the Bowery from Norfolk to Clinton.

Q. Does it take in No. 4 Rivington? A. Yes, sir.

Q. Does it take in No. 1 Eldridge? A. Yes, sir.

Q. Let me ask you these numbers: Does it take in the Windsor Theater Hotel, 39½, 40 and 41 Bowery? A. Yes, sir.

Q. The Phœnix House, 53 Bowery? A. Yes, sir.

Q. The Mascot Hotel, 69 Bowery? A. Yes, sir.

Q. The Newport House, 85 Bowery? A. Yes, sir.

Q. The Delavan House, 143 Bowery? A. Yes, sir.

Q. The Puritan Hotel, 183 Bowery? A. Yes, sir.

Q. The Columbus Hotel, 1, 3, 5 and 7 Bowery? A. Yes, sir.

Q. The Waverly Hotel, 9 Bowery? A. Yes, sir.

Q. The World Hotel, 11 and 13 Bowery? A. Yes, sir.

Q. The lodging house at 34 Bayard street? A. Yes, sir.

Q. The Kenwood House, 31 Bowery? A. Yes, sir.

Q. Singer's or Snier's Hotel, 35 Bowery? A. Yes.

Q. What is the name of that house? A. I could not really say counsel; I think it is Snider's Hotel; I think so.

Q. It is very indistinctly written here? A. I think it is Snider's Hotel.

Q. Coliseum Hotel, 37 and 39 Bowery? A. Yes, sir.

Q. The Central, 125 Bowery? A. Yes, sir.

Q. The Alabama House, 219 Bowery? A. Yes.

Q. Valentine Martin, 58 Bowery? A. Yes, sir.

Q. New Salem House, 243 Bowery? A. Yes, sir.

Q. The lodging-house at 71 Ludlow street? A. Yes, sir.

Q. Now, does it take in 86 Bowery? A. No; that is on the other side.

Q. That is in young Captain McCullough's precinct; is it not? A. I could not say where that is; the even numbers are not in my precinct.

Q. Two hundred and sixty-eight Bowery — the even numbers, 268, 274, 280 and 300 Bowery would be in Captain Meakim's precinct; would they not? A. Well, I should judge they would be in Captain McCullough's or Captain Meakim's precinct;

Q. How is it with the numbers further up, 356 and 358; would they be in Captain Brogan's precinct? A. Well, I really could not say; I do not know where they are located.

Q. Then we have the registy, so far as they go, in yours; will you tell the committee what the duties of a police officer are in regard to the inspection of and watchfulness over these lodging-houses?

Senator McNaughton. — As provided by the board of police commissioners?

Q. When I say that, I mean of course, as provided by the board of police commissioners? A. It is the duty of the captain to see that there is no colonization or no illegal voting from those places; a constant watch has got to be kept on those places to see that there is not.

Q. Do you keep a watch on them the whole year around? A. I do not; but I commence in the early part of September, and I have had officers continually on there to watch and see that there is no illegal colonization, and to see that people do not register who have no right to do so.

Q. What do you mean by illegal colonization? A. That is, that no people come in in the fall of the year to vote and do what they have no right to do; the officers examined the registry when they com-

mence; they commence in the early part of September, and they look at the registry until election day.

Q. Is it usual for these houses to fill up in the fall? A. Well, as a usual thing, when people come home from the country they go there as lodgers.

Q. Apart from registration and election, there would be no such thing as colonization; would there? A. Any one might come there to live, but if they come there for that purpose, it would be our duty to stop it.

Q. Have you any means at your command for discovering whether they come there for that purpose? A. I have not, but I know that a strict watch is kept on them to see that the number are not increased.

Q. Are the people who live in those classes of lodging-houses, people who are brought to the attention of police officers? A. Not as a general thing; another thing I find that when they register in the lodging-houses they never give their own name.

Q. They never give their own name when they register in the lodging-houses? A. As a general rule they never give their own name when they register in a lodging-house, but when they go to register at the polls they generally give their own name.

Q. Then how do you know what is their own name? A. We do not know except as we find it on the public copy.

Q. The *City Record?* A. The *City Record,* or on the public copy.

Q. You take it for granted that these are their true names? A. I do; I do not think they would register in any other name.

Q. Now, as an illustration, let me take the case of the Windsor Hotel; how long has that been there as a hotel? A. Well, it has been there since I have been in command of the precinct, that is nearly three years now, and how long before that, I could not say.

Q. How long have you known that hotel? A. Since I have been in the precinct.

Q. You did not know it before? A. I did not know it before.

Q. You were not in that precinct until you became captain? A. No, sir.

Q. Now, after you became captain in that precinct what inquiries did you make of the manner in which that hotel was conducted? A. I detailed an officer to go there and see the clerk in charge and examine the records, and give them to strictly understand that under no consideration would there be any colonization or illegal registration allowed from that place, and I would hold him strictly responsible if he did not assist the police in giving us all the information we

desired so as to get on to this thing, that the law was intended to be carried out.

Q. How are hotels or lodging-houses of this kind conducted? A. Well, they have a registry there, and when a man applies for lodging his name is entered on the register, and he is assigned to a room; I do not know of any other way.

Q. Have you ever been through the rooms? A. Some of them; yes, sir.

Q. Have you ever had an investigation made of the number of beds in any of these houses? A. Yes, sir.

Q. Have you ever personally examined the registry of any of these houses? A. I do not think I have, counsel, personally; no, sir.

Q. Now, let us take this 41 Bowery again, the Windsor Theatre Hotel [referring to *City Record*]; I have here the *City Record*, which contains the list of registered voters for the year 1890, for the eighth Assembly district, and I find that there were registered from that hotel sixty-nine voters? A. Yes, sir; I am aware of that fact.

Q. Now, what have you done in regard to that particular registry? A. I have made an investigation in that particular case, and I found there are some there that have no right to register, and I have taken means to stop them from voting.

Q. You have taken means to stop them from voting? A. Applied for warrants for their arrest on election day.

Q. What means have you taken to stop them from voting? A. Applied for warrants for their arrest on election day.

Q. Applied for warrants for their arrest on election day? A. Yes, sir.

Q. Now, can you run over that list and mark off those —

Senator McNaughton.— Have they been arrested?

The Witness.— No.

Q. I do not want this to be made publicly, I want to have marked off now [handing *City Record* to witness]? A. I can not do that now, because my detective has got the list — Mr. Reap.

Q. How many out of the sixty-nine there had improperly registered? A. That I could not say, the exact number, this morning; it is under consideration to-day.

Q. So that that investigation is being made now? A. Yes, sir; and it is not quite finished yet.

Q. Now, take the case of the Phœnix House, 53 Bowery; I find that there are thirty persons registered there? A. Yes, sir.

Q. Have you had your attention called to that house? A. Yes, sir; every one of them is under the same consideration as 41 Bowery.

Q. You mean every one of what? A. Every one of these lodging-houses.

Q. Every one of these lodging-houses is under consideration? A. Every one of them in my precinct, sir.

Q. Now, have you found what you believe to be fraudulent registration in each of these houses? A. My officers told me that there are some few that they have discovered, and they have the thing under consideration.

Q. Now, I find that twenty-six persons are registered from 34 Bayard street? A. Yes, sir.

Q. That is on your list? A. Yes, sir; that is a lodging-house.

Senator McNAUGHTON.— What is the name of that house?

The WITNESS.— Well, I do not think it has got any particular name; it is a lodging-house; I do not think it has a name; there is a barroom underneath and a lodging-house upstairs.

Q. Now, at 31 Bowery I find that there are eleven registered? A. yes, sir.

Q. Has your attention been called to that house? A. Yes, sir.

Q. Thirty-three Bowery I find twelve registered? A. Yes, sir.

Q. That house is also under consideration? A. Every one is under consideration; every one has been investigated properly.

Q. In order that we shall not make any mistake, I will read off the list of them; I find that there are twenty-four from 35 Bowery? A. Yes, sir.

Q. That is on your list? A. Yes, sir.

Q. From 37 Bowery, twenty-two? A. Yes, sir.

Q. Is 317 one of your numbers? A. No, sir; that is not in my precinct.

Q. This house at 4 Rivington street, I find there are forty-nine persons registered from it? A. It is a lodging-house and there are over 200 people in it.

Q. It is a lodging-house for men only? A. For men only.

Q. Or for men and women? A. Number four is a women's lodging-house, and number six is a men's lodging-house.

Q. Is 265 Bowery in your precinct? A. Yes, sir.

Q. Twenty-one I find registered there? A. Yes, sir.

Q. What is the character of that house? A. Well, the same as the others.

Q. Have you ever been through that house? A. Two hundred and sixty-five; I do not think I have, counsel; no, sir.

Q. You do not know then how many beds there are in it? A. I do

not know; I could not say positively; I did at one time have a list of every bed and room in this house, and I have to-day, at the station.

Q. Have you detailed any officer to make an examination of those houses during this present month, to see how many beds are in each of them? A. I have an officer on it.

Q. Is he on it now? A. Yes, sir; he has been on since the middle of September; he has been on there frequently.

Q. Is the entire list made up? A. I do not think he has got it complete.

Q. Is there any reason why an officer could not get a complete list of the number of beds in a lodging-house in a month? A. There is no excuse; I think he has got it; I can get it in a very short time.

Q. What is his name? A. Officer Reap.

Q. The same officer that you spoke of before? A. Yes, sir.

Q. Two hundred and fifty-five Bowery; what character of a house is that? A. That is a lodging-house upstairs, a liquor store and concert hall down stairs.

Q. I find there are five people registered from there; do you know whether there are any beds there? A. Yes, sir.

Q. Three hundred and fifteen Bowery? A. That is not my precinct.

Q. Three hundred and fifty Bowery? A. That is not my precinct.

Q. Two hundred and eighty-three Bowery? A. That is not my precinct.

Q. Two hundred and nineteen Bowery is yours? A. Yes, sir; that is mine.

Q. I find there are seventeen persons registered from there? A. Yes, sir.

Q. One hundred and eighty-three Bowery, seventeen persons registered? A. Yes, sir.

Q. One hundred and forty-three Bowery, twenty-seven persons registered? A. Yes, sir.

Q. One hundred and thirteen Bowery, eleven? A. Yes, sir.

Q. One Eldridge street; that you said was yours? A. That is mine.

Q. Seventeen? A. Yes, sir.

Q. Thirty-four Bayard street, thirty-seven? A. Yes, sir.

Q. Thirty-three Bowery street, twelve? A. Yes, sir.

Q. Thirty-five Bowery, twenty-four? A. Yes, sir.

Q. Nine Bowery, six? A. Yes, sir.

Q. Thirteen Bowery, nine? A. Yes, sir.

Q. Twenty-nine Bowery, nine? A. Yes, sir.

Q. Eleven Bowery, thirty-two? A. Yes, sir.

Q. Seven Bowery, twelve? A. Yes, sir.

Q. Nine Bowery, twelve? A. Yes, sir.

Q. Now, captain, why have not these arrests already been made for false registration? A. Well, we have not got the thing complete exactly; we have done it this year as we done it last year and the year before.

Q. You are aware of the fact that false registration is a crime, are you not? A. I understand that.

Q. Just as false voting is a crime? A. Yes, sir.

Q. And that any person who swears that he is a citizen and is entitled to vote, and registers himself as such, when in reality he is not, is subject to immediate arrest? A. Undoubtedly.

Q. Now, you have had knowledge for some days of the fact that some such persons have so registered? A. That some such persons have, but not a complete investigation has been made, and it was my intention to-day to apply for the arrests.

Q. Is it your intention to-day to apply for warrants for their arrest when they attempted to vote, or to apply for warrants for their arrest at once for having fraudulently registered? A. As a general thing, we can not find those people when they register, but when they try to vote at the polling place we arrest them then.

Q. Have you tried in any way to find any of those people up to this time? A. I have not; the officer is on this work this morning, sir.

Q. When did you first find out that there had been some illegal registration? A. Day before yesterday I was fully aware of the fact.

Q. Did you study the registration after the first day of registering? A. I had the officers go to the public copy and take a copy of that and compare it with the register at the lodging-house.

Q. Did you discover any false registration after the first day registry? A. There were some few.

Q. Why did you not take steps to arrest those people for having registered falsely? A. I thought I would wait until I got a complete investigation made, and do it all at once.

Q. Do you think you could do it more successfully, all at once when everybody had simultaneous notice, or do you think you could do it better if you went along day by day following those whom you could find and get warrants for them? A. If I could get a sufficient number, so that I could get warrants for eight or ten, I would have applied immediately, but the cases were few, two or three.

Q. That was after the first day's registration? A. That was after the first day's registration.

Q. Now, after the second day's registration how many cases did you find? A. I do not think I found any after the second day's registration.

Q. After the third day's registration? A. I am not aware that there were any discrepancies after the third day.

Q. How about the fourth? A. There were some on the fourth; we are making up the investigation, and I shall have that prepared to-night.

Q. What other officers have you put on that work? A. Officer Malane, Officer Nell, Officer Dokell, Officer Mooney, Officer Young.

Q. Will you tell us what particular houses have been alotted to any of the officers? A. I can not say now.

Q. Who can tell that, Detective Reap? A. Detective Reap can tell you considerable.

Q. Just how the work has been alotted? A. Yes, sir.

Mr. Ivins.—That is all, captain, if you will send Detective Reap down right away.

By Senator McNaughton:

Q. Captain, you have adopted every measure which could suggest itself to you or the officers to correct the abuse and punish the offenders, have you? A. Yes, sir; the same as I have in former years; I had the warrant to arrest the parties for illegal registration, which my books will show people who attempt to vote illegally.

Q. Well, now it was not possible for you to take any steps for their arrest until you were satisfied that there was an illegal registry? A. Oh, no; I could not have done that, and I had no evidence to produce against the registry to get a warrant until I was actually satisfied that the case was such a case.

Q. Who applies for the warrants? A. Well, I send the officers and sometimes I go myself.

Q. But until you have had some proof that there was an illegal registry, you could not apply for a warrant? A. I could not get a warrant; it would be impossible.

By Mr. Ivins:

Q. Captain, before you go, do you know of any of your officers taking any active part or interested part in the present political campaign? A. There is none, sir.

[illegible]

[illegible]

[illegible]

chief inspector this morning and the other inspectors, the action that was taken by the board and by them and the captains during my absence, that was all explained and there has been a number of warrants procured.

Q. All you know about it is what other people reported to you this morning upon your return, is it? A. Yes; that is all, sir, except my own experience two years ago, when I procured a number of warrants.

Q. Do you know how many warrants have been obtained up to the present time? A. Inspector Byrnes told me this morning, I think, that he had twenty-three in one Assembly district.

Q. What Assembly district was that? A. The fifth.

Q. Do you know how many have been obtained altogether in your district? A. No, sir; I do not; we will not know before 2 o'clock this afternoon; there is to be a meeting of the inspectors and captains at 2 o'clock this afternoon at headquarters for further information and instruction.

By Senator McNaughton:

Q. Inspector, because a man seeks cheap lodging places it is not a prima facie evidence that he is a criminal, is it? A. No, sir; it is his poverty that drives him there, not his crime.

Q. Well, lack of means to honestly pay a bill at a higher priced hotel, and he goes where he can pay? A. He better go there and pay twenty-five cents than go to the Fifth Avenue Hotel and cheat the place.

Q. And very many mechanics who work permanently in the city lodge at those places, do they? A. Yes; there are railroad men, car drivers and car conductors and newspaper men; I mean by that — I do not mean reporters, because they can do better; I mean printers, typesetters, where their hours are late and irregular; they stop at those lodging-houses.

By Mr. Boardman:

Q. Captain Cassidy said, when he was on the stand, that it was frequently found that the names that were registered from these lodging-houses by some men were not always the names that appeared on the lodging-house registers; in other words, that these men give false names at the lodging-houses; is that correct? A. I think that is true, and I think none of these people can be arrested, unless they present themselves to vote on election day; that is the only way of arresting them.

Q. How can you tell when a man goes to a lodging-house and gives a false name at the lodging-house, and afterwards goes to the registry

and gives another name, what his right name is? A. If he gives the name John Smith, and we go to the place and find he does not live there, we get a warrant for John Smith, and if he comes there to vote he is arrested; I got thirty-two warrants two years ago, and there was only one out of the thirty-two who showed up, and he was arrested; that was the first man that came in to vote, and all of the rest stayed away.

Q. Now, take the case you have suggested; you find that John Smith is registered? A. Yes, sir.

Q. You go to the lodging-house and examine the registry there and find there is no John Smith on the registry? A. Yes, sir.

Q. What is to prevent the police officer from going to the lodging-house and making inquiries to discover who the man was who registered as John Smith? A. It would be a long job.

Q. You have a certain description of him when he registers? A. No, sir.

Q. His age is given? A. His age is given, his nationality; that is all; we have no description.

Q. And you think you would have no such description as would enable you to make an arrest? A. No, sir.

Q. The only possible way to make an arrest is to arrest the man on the morning of election, or when this man presents himself to vote.

Senator McNAUGHTON.— Experience has demonstrated that beyond a doubt, has it?

The WITNESS.— Yes, sir.

Senator AHEARN.— A man could go to the registry and register without informing the hotel keeper at all?

The WITNESS.— Certainly.

By Mr. BOARDMAN:

Q. There are cases in which arrests might be made; there are cases in which a person can be identified, inspector, are there not? A. No; I do not think there are any cases.

Q. You do not think there are any cases? A. No; I do not think there are any, unless a man should live in a lodging-house three or four days, and they kept track of him, and knew he was not entitled to vote; if he registered, he might be arrested.

Q. Take a case of this kind; a man might be living at a lodging-house for six months or a year, or let us say the man is a clerk of a lodging-house, having been in the country only a year, and nevertheless registers as a native, registers in his own name, the name in which he is registered at the lodging-house, and the name by which he is

employed at the lodging-house, would it be possible to make an arrest for false registration in that case, without waiting for election day? A. Yes; under those circumstances; but I think those cases are very few.

Q. Would the police set themselves to work to discover facts of that kind? A. The police are at work now, looking up all of those things.

Q. Why, do you think that a certain case of that kind has been brought to my attention, and still it has not been brought to the attention of the police? A. I do not know; if we knew anything about it, we would arrest the party,

Q. Is there any reason why a police officer should not be able to find out a great many things that the neighbors know about? A. A great many things the neighbors know of that they will not tell the police anything about.

Q. The police make inspections of these houses? A. Yes, sir—it is made by the board of health.

Q. And the board of health places a limit on each as to the permissible number? A. Yes, sir.

Q. And as to whether that number is exceeded falls within the scope of the duties of your police officers? A. The proprietors are very careful not to exceed the number allowed by the board of health, because, if they did, they would lose their license.

Q. Have you ever known of a case where people have been discharged from criminal institutions, or persons who have become habitual paupers, or who get themselves habitually committed as vagrants, and come back to the city about election time, to register? A. No, sir.

Q. You have never had your attention called to any such cases? A. No, sir.

Q. Suppose it were found that a man had registered at a lodging-house, under the name of John Smith, and had also registered at the polling place, under the name of John Smith, and he was a man whose presence in the election district was shown by the lodging-house registry itself not to have been sufficiently long to make him a voter, why could not a case of that kind be checked up and the arrest made at once? A. If we could find John Smith; but the safest and surest way would be to find him on election day.

Q. Suppose you found that he continued to live there in the house? A. Well, he would deny he was the man that registered, or that he was not entitled to register; if he was arrested, he would deny either one of the two.

Q. [illegible] false registration [illegible] false registration [illegible] everything and everyone by a [illegible] effect of preventing false registration? A. If we could be [illegible] to prevent false registration in any of the [illegible] and give my name in every case they would not [illegible] me.

Q. [illegible] would not be you? A. It would not be [illegible]

Q. [illegible] a man may have lived in this district but [illegible] particular lodging-house, for the requisite number of days [illegible] in other words, here is a man who lives [illegible] and in the very day that he registers he [illegible] the right to register from 17[illegible] it does not disqualify him, if [illegible] A. No, sir; it does not disqualify him, if [illegible]

Q. [illegible] that he registers from 17[illegible] for voting purposes [illegible] that he is not entitled to vote? A. No, sir.

[illegible]

[illegible]

Q. [illegible] in your precinct myself? A. Yes, sir.

Q. [illegible] Bowery in your precinct? A. Yes, sir.

Q. [illegible] persons are registered from 356 Bowery, and [illegible] are registered from 356 Bowery; have you caused any particular inquiry to be made in your precinct of this matter of false registration? A. Yes, sir.

Q. To which of your officers have you assigned that duty? A. To my two detectives.

Q. Who are they? A. Detectives Sullivan and Cooney.

Q. Do you know those two houses? A. Yes, sir.

Q. What sort of a house is 356 Bowery? A. It is a cheap lodging-house.

Q. When you say cheap lodging-house, how cheap do you mean? A. Well, it is one of those twenty-five cent houses; they have got rooms there that they charge fifty cents for.

Q. Do you know how many beds there are in the house? A. No; I could not tell you right here; I did not bring my memorandum with me.

Q. Could your two detectives tell us? A. Yes, sir.

Q. What sort of a house is 258 Bowery? A. About the same kind of a house.

Q. And they can also tell us how many beds there are there? A. Yes, sir.

JOHN H. MCCULLAGH, recalled:

By Mr. IVINS:

Q. Captain, what are the boundaries of your precinct? A. On the Bowery, commencing at Houston —

Q. About what number is that? A. About 284, sir.

Q. Two hundred and eighty-four? A. About that; I might be one number out of the way, sir; it is about that.

Q. Well, is 280 Bowery in your precinct? A. I think it is, sir; I think it is just across the line, sir — oh, I know it is not in my precinct; it is on the other side; the even numbers are not lined.

Q. You only have the odd numbers? A. I have the odd numbers on the Bowery, sir.

Q. I find that none of these places that we are going to take up to-day are in your precinct? A. No, sir.

Q. I supposed that those numbers, 280 and 300, were your numbers? A. There are two lodging-houses in my precinct, of which I will give you the numbers now, sir.

Q. I wish you would? A. There is 317 and 283 Bowery.

Q. What have you done about those? A. Well, sir, I have made an examination of the list of those lodging-houses, and I have compared it with the registry in the election districts, and I find them correct; they agree with each other.

Q. Are those the only two lodging-houses in your precinct? A. Yes, sir.

Q. In what Assembly district are these two houses? A. In the tenth, sir.

Q. The tenth? A. Yes, sir.

Q. Well, you found the registry list and the register of the lodging houses to compare? A. Yes, sir.

Q. Now, what steps have you taken to see whether or not the registry in the lodging-houses is in the first place an honest registry, and in the second place, whether that registry shows the parties to have lived sufficiently long in the district to enable them to vote? A. Well, they must have, because the principal part of them registered the first and second days of the registry, and I have been investigating from the first day.

Q. You have been investigating from the first day? A. Yes, sir.

Q. Do you know the names of the proprietors of those houses? A. I do not, sir; I could not give you the names now, because I did not know it was on that I was coming here, or I should have brought them with me.

WILLIAM MEAKIM, called as a witness, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Captain Meakim, of which precinct are you the captain? A. The tenth.

Q. What Assembly districts are included in your precinct? A. The third only.

Q. The third only? A. Yes, sir.

Q. That is the upper or the lower part of the third? A. The lower part.

Q. Is 268 Bowery in your precinct? A. Yes, sir.

Q. I find that twenty persons are registered from there? A. Yes, sir.

Q. Two hundred and seventy-four Bowery, is that in your precinct? A. Yes, sir.

Q. I find that seventeen persons are registered from there; is 280 Bowery in your precinct? A. Yes, sir.

Q. I find that fifty are registered from there? A. Yes, sir.

Q. Is 200 Bowery in your precinct? A. Yes, sir.

Q. I find that twenty-eight are registered from there; do you know those four houses that I have just read to you? A. Yes, sir.

Q. How long have you been captain of that precinct? A. Five years.

Q. Have you each year, during the last five years, caused an inspection to be made of the registers of those houses for comparison with the election registration? A. Yes, sir; I have.

Q. Has the same man done that work on each occasion, or have you had a different man to do it for you? A. I have had different men.

Q. Who has been doing it for you this year? A. Detectives Foy and Hogan.

Q. Will you, when you go back to your headquarters, send Detectives Foy and Hogan down here? A. Yes, sir.

Q. Now, what steps do you take for the purpose of checking off the correctness and honesty of the registration for election purposes? A. The only way we have of doing it is by consulting some of the other lodgers whom we know.

Q. Do you consult the proprietor? A. Yes, sir.

Q. And the clerk? A. And the clerk.

Q. And then check off the registry? A. Yes, sir.

Q. Now, suppose you find a person whose name does not appear in the lodging-house register; what is your next step? A. Go before a police justice and get a warrant.

Q. What is your warrant for, for false registration? A. For false registration, or if it was on the last day of registration, I would wait until election morning until he appeared to vote.

Q. Have you ever made any arrests for false registration prior to election day? A. Yes, sir; we have; not within a year or two.

Q. Not within a year or two? A. No, sir.

Q. Now, have you been advised by your detectives that there has been any fraudulent registration from either of these houses? A. No, sir.

Q. Have they made any report to you at all? A. Yes, sir; they have reported to me every day or two about the places in my precinct and the number of beds and the nightly average. [Producing paper.]

Q. Is that shown here? [Referring to paper.] A. Yes, sir.

Q. The Palma, No. 92 Bowery, that is in your precinct? A. Yes, sir; that is the first one in my precinct.

Q. This paper gives 200 beds, and 200 as the nightly average? A. Yes, sir.

Q. The Victoria, at 96 Bowery, 132 beds? A. Yes, sir.

Q. And 128 is the nightly average? A. Yes, sir.

Q. The Spartan, at 100 Bowery, kept by John B. Cook, sixty-five beds, and forty-six nightly average? A. Yes, sir.

Q. The National, 108 Bowery, kept by Patrick J. Lawler, 100 beds, with a nightly average of eighty? A. Yes, sir.

Q. New House, 212 Bowery, kept by Charles Bassatt, eighty-one beds and fifty nightly average? A. Yes, sir.

Q. The Scheimer House, 262 Bowery, kept by William Scheimer, 201 beds, 130 nightly average? A. Yes, sir.

Q. The Great Northern, 268 Bowery, kept by Vergilius Del Genovesie, 131 beds and sixty nightly average? A. Yes, sir.

Q. The Capital, 274 Bowery, kept by Bruno Ottovannie, sixty-seven beds and sixty-seven nightly average? A. Yes, sir.

Q. The Eurica, 280 Bowery, kept by Lewis P. Tibals, 180 beds and 180 nightly average? A. Yes, sir.

Q. The Newton, at 46 East Houston street, kept by Thomas F. Burnett, 226 beds, ninety nightly average? A. Yes, sir.

Q. The Swiss, 127 Elizabeth street, kept by Alrich Kehl, twenty beds, twenty nightly average? A. Yes, sir.

Q. Then by comparison of these names with the police census, we might be able also to detect some of these frauds, might we not, if they had been committed? A. Yes, sir.

Q. Now, have any specific frauds in any of those houses that you have just referred to been called to your attention? A. Not one; no, sir.

Q. Not one? A. No, sir.

Q. Have not these detectives as yet reported anything to you? A. No, sir; nothing wrong.

Q. Well, have they reported to you everything right? A. Yes, sir.

Q. Their report has been so full that you suppose it is impossible that there is anything wrong in those houses? A. I do not think there is, from the best of their knowledge and belief, from what they can learn from other people in different lodging-houses, they come to the conclusion that everything is right.

Q. How many days have they been at work on that? A. Well, on and off, they have been five or six days; then they have other things to do beside that between times.

Mr. Ivins.—That is all, captain.

By Senator McNaughton:

Q. Captain, the number of lodgers in these lodging-houses changes daily, does it not? A. Well, it is a fair average.

Q. It is a fair average, but it is a daily change? A. Yes, sir.

Senator Ahearn.—Your men are out investigating this thing, are they?

The Witness.—Yes, sir.

John McCullagh, called as a witness, being duly sworn, testified as follows:

By Mr. Ivins:

Q. Captain what are the boundaries of your precinct? A. Chambers street on the south side, Hester and Howard north, Bowery and Chatham square on the east, and Broadway on the west.

Q. How long have you been captain of that precinct? A. Six years.

Q. Have you a list of the lodging-houses in that precinct? A. Yes, sir.

Q. Have you one with you, or is it at headquarters? A. I have got one here, yes, sir; but it is hardly necessary to refer to.

Q. Can you remember them? A. I think so; yes, sir.

Q All right. A. I do not know as I can remember the names, but I am pretty familiar with them.

Q. Just tell us what the lodging-houses are and what their capacity for containing lodgers is? A. I haven't got that with me; that record is at headquarters at the station-house; I have got the total amount of persons registered from the lodging-houses in the precinct.

Q. Well, if you will just give us that then; let us see how you have made that, in what form? A. [Producing book.] The total is 574 [handing book to Mr. Ivins].

Q. I will read it; the captain hands me this statement; the Crystal, 68 Bowery? A. No, that is the officer that made the investigation.

Q. Sixty-eight Bowery, twenty-one registered, marked two suspicious; 9 Mulberry, forty-eight registered, two suspicious; 180 Park Row, thirty-eight registered, one suspicious; 182 Park Row, thirty-eight registered, one suspicious; this Park Row is what they used to call Chatham street, is it not? A. Yes, sir.

Q. One hundred and eighty-four and 186 Park Row, twenty-two registered, two suspicious; 11 Mott street, five registered, none suspicious; 36 Bowery, nine registered, none suspicious; 34 Bowery, twenty-one registered, none suspicious; 26 Bowery, fourteen registered; 20 Bowery, forty two registered; 18 Pell street, twenty-six registered; 40 Mott street, twenty two registered; 197 Worth street, three registered; 190 Park Row, sixty two registered; 194 Park Row, twenty registered; 160 Park Row, twenty-seven registered; 1 Chatham Square, forty-eight registered, 6 Chatham Square, thirty-eight registered; 9 Chatham Square, thirty six registered; 12 Chatham Square, twenty-nine registered, 126 Park Row, thirty-nine registered; 132 Park Row, seven registered; 140 Park Row, four registered; making a grand total of 571 registered in these lodging-houses? A. Twenty-three suspicious; I shall apply for warrants this afternoon.

Q. Of whom twenty-three are marked suspicious, and for whom you say you will apply for warrants this afternoon? A. This afternoon; yes, sir.

Q. Will it be possible for you to arrest these men, do you think, before election day? A. No, sir.

Q. Or do you encounter great difficulty in it? A. I encounter great difficulty in it.

Q. This is the only reason that it has not been done? A. Until the completion of the registry which was last Saturday, it would be impossible for me to tell if those were suspicious persons, always during the past six years I have made a specialty of these things going to lodging-houses and making an examination of the people registered there; for example, I had fifty-seven warrants; at the completion of the registry I detailed four officers to make this investigation,

and this is their report to me, and on this information I shall apply to Judge White this afternoon for warrants, which I have no doubt will be granted.

Q. Where is Judge White sitting? A. In the Tombs.

Q. Have you been in the habit of getting advance sheets or advance copies of the first and second day's registration, captain? A. Advance copies?

Q. Yes. A. From where, sir?

Q. From the registration officers? A. No, sir; we go around—I take those from the public copy.

Q. Would it not be possible for you to go to the official registration and check off the register, which is made on the first day of persons registering from these particular lodging-houses? A. Well, that could be done; but I have got a very busy precinct.

Q. There would not be over 100 names on the first day? A. If I should do that to-day, and go over it the next registration day—my officers are very busy—for example, there are 7,000 persons arrested every year in a small territory, and we have a good deal to do.

Q. You are equipped sufficiently to do it well, are you not? A. Yes, sir; but there is a certain way we can do these things and get at it much easier; I thought it was a much better way to wait until after the registration was completed and let the officers take a complete copy; for example, I shall go to 20 Bowery and look over the register, and if I find anything is wrong, they are arrested on election day when they come to the polls; this may be wrong, but it is my way of doing it for six years.

Q. I do not say it is wrong, I simply ask the question to find out if it is not possible to have some of these persons arrested without waiting until election day, by beginning earlier in the month? A. There is nothing impossible; it is possible that it can be done, but I generally do it in this way; if we can find the party, certainly I shall not wait until to-morrow morning to make the arrest; I send men in citizens clothes to the polls at 6 o'clock in the morning, because if there is anything of that kind done, they do it early in the morning, so that they can get through as early as possible; I did it last year; between 6 and 6.30 in the morning the greatest efforts have been made.

By Senator McNaughton:

Q. Do you think your effort has prevented illegal voting in this precinct, captain? A. Yes, sir.

Q. You have used your best judgment and experience in whatever means you take to prevent illegal registration? A. Yes, sir; I do; in

[illegible] your house

Yes, sir.

[illegible] your [illegible] the books.

[illegible] I go there [illegible] I don't keep [illegible]

[illegible] keeps the books? A. Well we have got a night man there [illegible]

[illegible] name of the night man or the day clerk who keeps [illegible] Mr. Smith is there in the night time.

Q. Is he here in court? A. Yes, sir.

Mr. Boardman.—I will suspend your examination and call him, Mr. Smith, will you please take the stand.

John Smith, called as a witness, being duly sworn, testified as follows:

By Mr. Boardman:

Q. Mr. Smith, you are one of the proprietors of the Windsor Theatre Hotel, are you not? A. Yes, sir.

Q. How long have you been connected with it? A. Very near five years.

Q. Are you the man who actually runs the business? A. Yes, sir.

Q. You keep these books, these records? A. Yes, sir.

Q. You heard what Mr. Maher testified about writing down the names of all the lodgers; that is done, is it? A. Yes, sir.

Q. Well, when a man comes there you ask him what his name is, and write it down, do you? A. Yes, sir.

Q. And you do that invariably? A. Yes, sir.

Q. Now try to find the name of Frank Duncan on that register, and tell me when he came there; do you know him? A. Yes, sir; I know him personally.

Q. How long has he been there? A. In the neighborhood of a few years.

Q. Is he a regular boarder? A. Yes, sir.

Q. And stays there all the time? A. Yes, sir.

Q. Then we will pass him? A. I can show you his name here back to July eighth; here is his room back to June 11th — 41 [referring to register].

Q. He has been a regular boarder at the house for several years, has he? A. Yes, sir; I should think so.

Q. Duncan? A. Yes, sir; there is his name last night, "31, October thirtieth."

Q. How do you spell his nane? A. D-o-n-k-e-n.

Q. D-o-n-k-e-n? A. Yes, sir.

Q. His name here is Duncan; is that the same man? A. That is the same man.

Q. Is that your spelling, or his? A. That is my spelling [referring to register]; here it is spelled differently — D-u-n-k-e-n.

Q. Now, take John Reilly; is he an old boarder? A. Well, there are quite some Reillys in the house.

Q. How many Reillys are there, regular boarders; do you know? A. There are three here.

Q. Three Reillys? A. Yes, sir.

Q. What are their names? A. Well, they are all Reillys.

Q. What are their Christian names? A. We have them here under their last name; we register him under his last name.

Q. You register him under his last name, and do not register him under his first name? A. No, sir.

Q. There are three Reillys, and you do not know what his first name is? A. I know one Reilly, his name is Patrick.

Q. Do you know John Reilly personally! A. No, sir.

Q. Can you find any John Reilly in the book? A. No, sir.

Q. Take Michael J. Ryan; do you know him personally? A. No, sir.

Q. How long has he been at your place, do you know — Michael J. Ryan? A. I could not tell you.

Q. You could not tell me? A. No, sir.

Q. Can you find his name in the book? A. I could tell if I seen the man personally.

Q. You could not tell if his name was in the book; if you saw him personally; can you find his name in the book? A. There are some Ryans here.

Q. Where do you find any Ryan in the book; show me any Ryan in the book? A. There is Ryan [referring to book].

Q. What day? A. This is October twenty-seventh; do you want it back?

Q. Yes. A. How far?

Q. Find the first reference to Ryan in the book. A. There is one Ryan.

Q. What date is that? A. September twenty-fifth.

Q. Is that the first day that you find Ryan in there? A. Oh, there are Ryans way back in the book; I don't know who these people are who registered.

Q. You don't know anything about it? A. No, sir; I don't.

Q. Does not the law require you to keep a record of the names of men who come to your lodging-house; the full names? A. This is the way they have always been kept.

Q. You do not know anything about the law? A. No, sir.

Q. Do you know Albert D. Walker? A. Yes, sir.

Q. Do you know him personally? A. Yes, sir.

Q. How long has he been there? A. He has been there all the summer.

Q. Is he an habitual or an occasional? A. He is a steady man.

Q. He is a steady man? A. Yes, sir.

Q. And he has been there all summer? A. Yes, sir.

Q. And you know that? A. Yes; sir; here is June twenty-fourth.

Q. How about Thomas Bogue, do you know him? A. Yes, sir; I know Bogue.

Q. How long has Bogue been there? A. I can tell you in a moment; September eighth.

Q. He came there September eighth? A. Yes, sir.

Q. How continuously has he been there since then? A. He has been there every night; that I know,

Q. Will you swear that Bogue has been there every night since September eighth? A. I can go right through the book and tell you; to my knowledge, he has.

Q. You think he has? A. His name is recorded every night.

Q. It is? A. Yes, sir; on the register.

Q. How about Martin Maden, do you know him? A. Yes, sir.

Q. Is he a regular boarder? A. Yes, sir.

Q. How long has he been there? A. He has been there nearly four years.

Q. Regularly? A. Yes, sir.

Q. Do you know him? A. Yes, sir.

Q. How about Frederick Read, do you know him? A. Yes, sir.

Q. Is he a regular boarder? A. He has been there all summer.

Q. You are sure he has been there all summer? A. I can tell you [Referring to book].

Q. That is enough, if he has been there all summer? A. I can tell you just when he came there the first time.

Q. Mr. Smith, this list is pretty long — A. July twentieth.

Q. He came July twentieth? A. Yes, sir.

Q. I will ask you to look over this list that I hand you here of sixty-nine voters registered from your place, 41 Bowery; look over that list and tell me which of those you do not know personally [handing copy of *City Record* to witness]; you mark those you do not know personally? A. Which line is it?

Q. I will ask you [referring to list] do you know Jeremiah Murphy? A. Yes, sir.

Q. Personally? A. Yes, sir.

Q How long has he been there? A. All summer.

Q. Do you know John J. Welch personally? A. Yes, sir.

Q. How long has he been there? A. He has been there all summer.

Q. Do you know George T. Smith, personally? A. No, sir.

Q. Do you know anything about him? A. There are a great many Smiths there.

Q. You do not know George T. Smith? A. No, sir.

Q. How about Daniel Barry; do you know him? A. There is a Barry stopping there; I don't know how long; there is a Barry here.

Q. When did he come? A. [Referring to book.] September twenty-second, September nineteenth, September fourteenth — he is way back in the book — September fifth, August twenty-fourth.

Q. Have you submitted these books to police inspection; have they looked over these books and compared them with the registration? A. Yes, sir.

Q. Do you know which of the men who have registered whose names do not appear on that book? A. Yes, sir; there are some.

Q. Do you know which they are? A. Yes, sir; I know a few of them.

Q. Tell me a few of them?

Senator McNAUGHTON.— Would that be wise, Mr. Boardman, to have that spread upon the public press, the names of those parties who have not been arrested who are suspected?

Mr. BOARDMAN.— It would appear from his testimony that the police have been in conversation with him in regard to his books.

The WITNESS.— Mr. Reap told me not to say anything about it.

Q. Mr. Reap told you not to say anything about it? A. Yes, sir; he is the detective in the ward; he has got the names of seven or eight of them.

Senator McNAUGHTON.— These names are in the hands of detectives now, are they?

The WITNESS.— Yes, sir; he has not went thoroughly through the book with me; he is coming up to-night again.

Q. He has not completed his examination of the books? A. Not thoroughly.

Q. And he is coming again to-night? A. Yes, sir.

Mr. BOARDMAN.— We will not have the names made public, but with the permission of the committee, I would like to know the name myself.

Q. Will you mark the names? A. Yes, sir. [Marks names.]

Q. You have marked now all you can remember, have you? A. Yes, sir.

Q. When was the first time that you were consulted by the police about this registration? A. Monday night was one time.

Q. Last Monday night? A. Tuesday night.

Q. Monday was the first, was it? A. No, sir; there was last week one day.

Q. One day last week, and then Monday and Tuesday of this week; is that correct? A. Then there was someone there in the day-time after the second registration day.

Senator McNaughton.—After the second register day the police commenced the investigation?

The Witness.—I don't know whether it was the police.

Q. You are the night man? A. Yes, sir; I am the night man.

Q. So you did not see who it was then? A. No, sir.

Q. Has anybody been to see you about controlling these votes in the interest of any political party? A. No, sir.

Q. Have you ever been arrested for selling votes? A. Yes, sir.

Q. Have you ever been convicted for that offense? A. I was; yes, sir.

Q. When was that? A. Last January, a year ago.

Q. Haven't they been to you to get you to perform the usual function? A. No, sir; they have not been to me.

Q. How many votes did you sell?

Senator McNaughton.—Mr. Boardman, are you trying to impeach your own witness?

Mr. Boardman.—I am not impeaching him.

Senator McNaughton—Well, it seems to me it will not be furthering the ends of justice to continue this line of examination; the witness seems to have testified very frankly and fully about the matter.

Mr. Boardman.—I will not press the question.

Q. Are you familiar with the act passed last year called the Corrupt Practices Act? A. No, sir.

Q. I want to read you from chapter 94 of the Corrupt Practices Act this section, under the head of making bargains through agents: "It shall be unlawful for any person, directly or indirectly, by himself or through any other person, to receive any money or other valuable thing, during or after election, on account of himself or any other person having voted or refrained from voting at such election, or on account of himself or any other person having voted or refrained from voting for any particular person at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting, or to vote or refrain from voting, for any particular person or persons at such election;" I understand that you have not received any money? A. Yes, sir.

Q. You have not? A. No, sir.

Q. And have not had any talk about the matter at all? A. No, sir.

Q. This year? A. No, sir.

By Senator McNaughton:

Q. Mr. Smith, you will extend to the police all the aid you can to ferret out any illegal registration? A. Yes, sir.

Q. Has the board of health ever examined your house in connection with the register you keep there? A. Yes, sir.

Q. They found no fault with the method of keeping the register? A. No, sir.

Q. Have they examined it from year to year, this same register? A. Yes, sir.

Q. You have a great many transient parties there, have you not? A. Yes, sir; there are quite some transients and permanent men.

Q. Are they mechanics and laborers? A. Yes, sir; most of them are mechanics and laborers and printers and all different trades.

Senator McNAUGHTON.—He says most of his lodgers are mechanics, laborers and printers, and that class of mechanics.

By Mr. BOARDMAN:

Q. Is Colonel Hughes connected with your place? A. No, sir.

Q. Has he ever been? A. Yes, sir.

Q. When did his connection with it cease? A. That I could not tell you.

Q. What is the usual price paid for votes? A. That I do not know.

ISAAC W. TURNER, called as a witness, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. Mr. Turner, you are one of the proprietors of the Phœnix House, 53 Bowery, are you not? A. Yes, sir.

Q. How long have you been connected with that hotel? A. Oh, in the neighborhood of seven years, I think.

Q. How large a hotel is it; how many will it accommodate? A. We have a permit for 321 beds, and we have 289.

Q. And what is the average attendance there? A. Well; I should think probably in the neighborhood of possibly 260 or 270, something like that.

Q. You are pretty full the year round? A. Nearly full—not personally.

Q. Have you got the registry in court? A. Yes, sir; I have it here.

Q. Please produce it; do you register the name of everybody who stays at the hotel? A. It is very seldom that I register the name of anybody, but the clerks register them. [Producing book.]

Q. This book that you now produce is the book in which the names are registered? A. Yes, sir.

Q. This book only commences with Wednesday, October fifteenth? A. Well, I did not know whether the other would be required or not, so I did not bring it, but I can produce it if necessary.

Q. You can? A. Yes, sir.

Q. Now, when a man is a regular boarder, staying at your place, night after night, do you register his name every night, or do you register it when he comes, once for all? A. If he is a transient man, his name is put down every night; if he is a weekly man, he goes on through the week, and is registered by number; for instance, if he was registered on the third, he would be registered "3, 10."

Q. So that his name would appear once every week? A. Yes, sir; surely.

Q. So that this book, taken in connection with the other similar books that you keep, ought to show just who have stayed at your house every night? A. Yes, sir.

Q. Do you keep the book without reference to the first names of the people who stay there; do you understand that to be in conformity with the law? A. We entered the first name, if we get it, and if we do not, of course, we put down what is given us.

Q. Your clerks make these entries, instead of the men themselves? A. Yes, sir.

Q. I find, referring to the registration, that there have been thirty-five men who have registered from your hotel; I want to ask you referring to the book and also your own knowledge of these men, to tell me whether these men were at your hotel continuously for thirty days prior to the time when the election was to be held? A. Well, that is something I don't know; I couldn't say.

Q. Well, for instance, take Frank H. Stone; can you find him in the book? A. I don't know; I don't know a thing about this matter, so far as this registration goes; as far as the business goes, I know how it is conducted; but this matter I do not know anything about, and, in fact, I don't care anything about it.

Q. Well, there is a list of names here [referring to register], beginning with Stone and running down; Lenhar, Arthur G. Graham, Paul Gerrity, Charles W. Remington, William Martin, Edward Bogel, Julius Node, Henry R. Wood and so on down.

By Senator McNaughton:

Q. You do not keep the books? A. I have nothing whatever to do with the books; these names are placed on the register as the men were named there, and it is done by the clerk, and I know nothing about the names.

Q. You look after the running of your house? A. Yes, sir; I look after the running of the house, but this matter I don't know anything about.

By Mr. BOARDMAN:

Q. You can find Mr. Stone's name there in the book, if it is there, can you not? A. Very likely I could, if I looked for it; I will see.

Q. I will not take up the time of the committee while you look for it; I will ask a question or two, which perhaps may clear it up; have you had any conference with the police authorities by checking off these names from your books? A. None whatever; I know from the clerks that they did come in and run them up.

Q. Which one of your clerks would know most about the men staying there, and whether they had actually been there a long enough time to justify them in registering? A. I think the day clerk would be likely to know that.

Q. And which one of the clerks probably conferred with the police officials in reference to the checking off the registration? A. That I don't know, but I think probably the day clerk; it is possible that the police came in there in the evening.

Q. What is his name, the day clerk? A. I know well enough, but I can not think of it now; I can have him down here, if you say so; I can not think of his name.

Q. You can not think of his name? A. No, sir.

Q. You know, do you not, as a matter of general information, that for some years past it has not been unheard of for the proprietors of these lodging-houses to make trades with reference to the votes of their lodgers; you know that, do you not? A. I have seen such charges made in the newspapers, but outside of that I don't know anything about it personally.

Q. Have you ever had any application made to you, personally, to do anything of the sort? A. No, sir.

Q. Never did? A. No, sir.

Q. You never had any person speak to you about it at all? A. No, sir.

Q. And have not during this election? A. No, sir; I am a Democrat and have a partner who is a Republican, and between the two of us we keep a pretty good track of things — Bruce, that is the man's first name, and the night man's name is Britton.

Q. Do you know, as a matter of fact, whether there has been any comparison made by the police of these thirty-five names with your registry books; and, if so, what the result of that comparison has been? A. Well, all I know about it is what the clerks told me, and they said that they had been there and had examined them, and I told them to give them all the information they could, and if there is anybody there that had no right to vote, to show the matter up, otherwise I had no interest in it whatever.

Q. But you do not know what the result of that comparison was, how they compared? A. No, sir.

GEORGE FRISCHI, called as a witness, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. Mr. Frischi, you are a partner with Mr. Macadanti in the management of No. 69 Bowery, are you not? A. Yes, sir.

Q. And that is a lodging-house? A. Yes.

Q. What is the capacity of the house? A. Two hundred and one beds.

Q. And through the year, what would you say was the average number of lodgers that you accommodated? A. Say about ninety to ninety-five on an average; it is a new house.

Q. It is a new house, and you do not get it more than about half full on the average? A. About.

Q. How long have you been engaged in the business? A. About four years.

Q. Have you brought your register here? A. I have them; yes sir.

Q. Will you please produce the register? [Produces books.]

Q. Have you seen any of the police officials about comparing the number of voters who have registered from your house with the registry books? A. I personally have not, sir.

Q. Who has done that? A. Probably the day clerk, or the night clerk.

Q. You do not know which? A. No, sir.

Q. What is the name of the day clerk? A. O'Rourke is the day clerk now; he is a new clerk.

Q. O'Rourke is the day clerk? A. Yes, sir.

Q. Do you know as a matter of fact how that comparison has resulted; that is, whether a comparison of the registration with your books has shown that there were any fraudulent votes registered from your house or not? A. I don't know.

Q. You don't know? A. No, sir.

Q. You do not know these people personally; for instance, you do not know John Mead? A. No, sir.

Q. Or how long he has been there? A. No, sir.

Q. And you did not keep those books? A. No, sir.

Q. And you know nothing about the books? A. Nothing at all, sir.

Mr. BOARDMAN.— Well, we will relieve you.

Recess until 2.15 P. M.

AFTER RECESS.

FRANK W. BRUCE, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. Mr. Bruce, where do you reside? A. I reside 183 Bowery.

Q. What is your business? A. I am a clerk.

Q. Clerk in a lodging-house? A. Yes, sir.

Q. And a lodging-house conducted at that place? A. Not at that place.

Q. At what place? A. Fifty-three Bowery.

Q. Have you registers of that place showing who have been staying at that place since October first of the present year? A. Yes, sir.

Q. Have you had any talk with any police officers about comparing your registries with the registration of voters for the coming election? A. Yes, sir.

Q. Whom have you seen? A. I don't know the man's name; the officer was in with the book comparing the names and asking about them.

Q. Did you have any talk with him about the names? A. Yes, sir.

Q. Now, I hand you a list of names here, taken from the City Record, thirty-five names, registered at that place; can you state which of those you know personally? A. Yes, sir.

Q. [Shows list.] Well, you know more than you don't know, or less? A. Well, I know all of the thirty-five.

Q. You know them all? A. All of them; yes, sir.

Q. And know when they came to your house? A. Yes, sir.

Q. And how long they have been there? A. Yes, sir.

Q. Do the books show? A. The books show; yes, sir.

Q. Are any of them men who are not entitled to vote — you need not state the names of any?

Senator MCNAUGHTON.— That is a pretty broad question, Mr. Boardman, for him to decide.

Mr. BOARDMAN.— Yes. I mean men who have not been staying at your house within the limits.

Senator MCNAUGHTON.— I suppose the proper question would be, whether they resided at his house long enough to entitle them to vote in that district. They may have been aliens and he not know it.

Mr. BOARDMAN.— Yes; they may have. I accept the suggestions. I withdraw that question.

Q. Have you ever been over that list with the police officers? A. I have; yes.

Q. Without stating the name of any particular man who was criti-

cised, was any man found to be a person who, in the opinion of the police officer, was not entitled to vote? A. There was; yes, sir.

Q. There were; how many of them were there? A. Two, I believe; I explained to the officer.

Q. That was explained to the officer? A. Yes, sir.

Q. And he got that information by looking over the books, did he? A. Looking over the books; yes, sir.

Q. He found two men in here registered who did not appear to have been at your house? A. Not a reasonable length of time to entitle them to vote.

Q. Not a sufficient length of time in his judgment; and that was all there was of it, so far as your house was concerned? A. That was all.

Q. Thirty-three properly registered; two in the opinion of the police officer, improperly registered? A. Yes, sir.

Q. Have you had anybody approach you about these votes in any way other than the police officer? A. No, sir.

Q. Nobody has come there asking you to control the vote in the interest of any political party, or anything of that kind? A. No; there has a man been there to put up some of these lithographs; said he would call again but I have never seen him again.

Q. That is all; lithographs? A. Yes, sir.

Q. You know the principle of the Corrupt Practice Act, do you not; you know what it means? A. I know what it means; yes, sir.

Q. I mean within the principle of that act; has any application been made to you on behalf of any political party to sell these votes, or any of them, at the coming election? A. None at all, sir.

Q. Nothing of that kind? A. Nothing of that kind.

Mr. Boardman.—That is all with this witness.

Frederick Meyer, being duly sworn, testified as follows:

By Mr. Boardman:

Q. Mr. Meyer, what is your business? A. Lodging-house business.

Q. What lodging-house? A. The Central House; 185 Bowery.

Q. Do you know how many men are registered from that house? A. Eleven, I believe, sir.

Q. How many have you in the house? A. Ninety-four, sir.

Q. And how many people do you usually acommodate there? A. I suppose about seventy; average run.

Q. Average seventy through the year? A. Yes, sir.

Q. And there are eleven registered? A. Yes, sir.

Q. Have you had any conference with anybody representing the police authorities about those men registered from your house? A. They have been there and found them all correctly on, only in this way; only one man is there who is under an assumed name; he is entitled to vote, according to the law; he has been there over thirty days and longer, but he uses an assumed name there; for instance, like the name of Brown; but that is not his name; and that is all there is to it; there is only one man that has an assumed name, but he has been there more than twice thirty days.

Q. And that fact was brought to the attention of the police? A. From the police; yes.

Q. And you gave the police all the information you had, did you; A. Why, certainly.

Q. And access to the books, and they made the comparison of your registers with the official registration? A. That is the way we discovered it.

Q. And there was only one name that they in any way criticised? A. Yes, sir.

Q. And that was because he was under an assumed name in your house? A. Yes; still the man is entitled to vote because he has been there two months and longer.

Q. Have you had any application made to you to control these votes in any way? A. No, sir; I do not know any of those men running for office and don't mingle with them.

Q. Had any talk with anybody about it? A. No, sir.

Q. You have not? A. In no way and manner.

WILLIAM SMYER, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. What is your business? A. Hotel.

Q. You keep the lodging-house or hotel, don't you, at 35 Bowery, known as Smyer's Hotel? A. Yes, sir.

Q. How long have you been in that business? A. Since I opened it; about eight years.

Q. When was that? A. It will be eight years this winter.

Q. How many people can you accommodate? A. One hundred and sixty-five or sixty-six.

Q. You have got that number of beds? A. Room.

Q. That number of rooms? A. Got no beds; no dormitories, all in closed rooms.

Q. You are licensed to accommodate that number of people? A. I don't come under that law.

Q. You don't come under the license law? A. They put them in though; at the same time I don't come under it; I told them I had no objection to it.

Q. Now, what is the average number of people that you do accommodate, take the year through? A. Well, there is about 125 or 130 or so.

Q. Take the average year? A. Yes, sir.

Q. Do you know how many people are registered from your hotel? A. I could not tell.

Q. I find that there are twenty-four registered as coming from your hotel; do you personally conduct this business; are you there yourself and do you know the men? A. No; I am in other business besides that and got a manager there.

Q. Is your book there? A. Yes, sir.

Q. Could you tell by reference to the book whether any of these men who are registered as coming from your house are men that you have not entertained? A. I could not tell very well, but of course the names will appear in the book because I marked every name down every day; it is marked down, don't make any difference if they are there by the week or month or day.

Q. The names would be there, but you don't do it yourself, do you? A. No.

Q. You knew very little about the books, do you? A. No, sir.

Q. Have you had anything to say to any police officers about this matter of fraudulent registration in connection with your establishment? A. Not this year; I had several years before; I told him all the information I could give them.

Q. I mean to say, you have not seen any police officer in connection with the matter this year? A. Not this year.

Q. Do you know whether any police officers have been to your place? A. I could not tell you; my manager —

Q. Is he here? A. Yes.

Q. We will put him on the stand.

Q. What is his name? A. Gammlen.

August Gammlen, being duly sworn, testified as follows:

By Mr. Boardman:

Q. Mr. Gammlen, you are clerk at Mr. Smyer's hotel, are you? A. Yes, sir.

Q. How long have you occupied that position? A. Since the opening of the house the 4th day of February, 1882.

Q. You keep the books? A. No, sir; the clerks keep the books, but I am familiar with them.

Q. You are familiar with the books? A. Yes.

Q. Mr. Smyer says that all the names of the guests are entered in the books, is that correct? A. They are.

Q. Have you anything to say to any police officers about the registration from that hotel? A. No, sir; not personally; not myself; but the clerk has.

Q. Were you there when the conversation was had? A. No.

Q. You were not? A. No.

Q. You do not know what the result of that conversation was? A. I do not.

Q. You do not know whether the men registered from your hotel turned out to be correctly registered or not? A. I know that much; yes, sir.

Q. You know what? A. Yes, sir; I know they were.

Q. That is to say, no fraudulent registration was found in connection with your hotel? A. That is right.

Q. And you know that the comparison made with your books in each case? A. Yes, sir.

Q. And it was found that all these men registered from your place were entitled to register; you know that, do you? A. Yes, sir I do.

Q. Please run your eye over these names, commencing with Charles Wendell and ending with William Nolan, and tell me whether you recognize those names as names of men who have stayed at your house? A, Yes, sir.

Q. And I understand you, sir, that those names appear by your books to have been registered in such a way that the people would be entitled to vote? A. Yes, sir.

Q. And there was no fraudulent registration? A. Yes, sir.

JOHN GLOVER, being duly sworn, testified as follows.

By Mr. BOARDMAN:

Q. Mr. Glover, you are the proprietor of the New Salem House, 243 Bowery, are you not? A. Yes, sir.

Q. And how long have you been the proprietor of that house? A. Nearly two years.

Q. What sort of a house is it; a lodging-house? A. Yes.

Q. How many will you accommodate? A. Beds for ninety-five, sir.

Q. About how many do you accommodate? A. Average of eighty.

Q. And how many are registered from that house, do you know? A. Eleven or twelve; that is the list.

Q. Have you had any conferences with any police officer about the registration from your house? A. There was a detective came to inquire but I told him I didn't think we had anybody which done anything wrong.

Q. You saw the detective, did you? A. Yes, sir; I did.

Q. And did you exhibit your books to the detective? A. Yes, sir.

Q. And have you gone over your books with a view of seeing whether the books indicate that these parties are entitled to vote? A. Yes, sir.

Q. And have you stated here what the books show about that? A. Yes, sir; what the books show, there is only one man there — perhaps I may be allowed to explain.

Q. What man is that? A. That Tilley; he registered on the ninth; at least he came to my house on the ninth of October, but he has made my house his home for three years; he goes into the country to work, and when he comes to the city he always comes to my house to stop, and he came in on the ninth, and, of course, he is a little short on the required time; that is the only case that I know of; my house has been his home for three years.

Q. Then he did not get back from the country until October ninth, as I understand it? A. October ninth.

Q. Mr. Tilley, is that, or Tale? A. It is Tale or Tilley; William Tale or Tilley.

Q. But whatever information there was about William Tale or Tilley, you gave to the police officers? A. Yes, sir.

By Senator McNaughton:

Q. He went into the country to obtain work? A. Yes; he is a farmer, and he had a son in business in Albany and in Troy, and he will go for two or three weeks, sometimes a month, and then come back.

Q. His absence was merely temporary? A. Temporary; that was all; he had been a regular lodger with me three years, off and on.

Edwin F. Stanley, being duly sworn, testified as follows:

By Mr. Boardman:

Q. Mr. Stanley, what is your business? A. Manager of a lodging-house.

Q. What lodging-house? A. Three hundred and seventeen Bowery, the Arcade Hotel.

Q. How many beds have you got? A. Our capacity is 312 but we are only running 284.

Q. Do you know how many people are registered from your house? A. From what I heard there is about sixty-three; I haven't seen the list yet.

Q. You know George Meuhlfeldt? A. Yes, sir.

Q. How long has he been at your house? A. I guess I have known him now, I guess, about nine months.

Q. And, how about John Fischer? A. I have known him for a year.

Q. Has he been in the year? A. Yes, sir.

Q. Have you compared the registration-list with your books? A. No, sir; but there was some officers around my house the other day, so the day clerk told me, and they compared it; they were there a couple of hours looking over the books and comparing it with the registration.

Q. They were? A. Yes, sir; I didn't see them.

Q. I will show you now a copy of the registration-list, so far as No. 317 Bowery is concerned; please run your eye over those names and see if there are any names on that list that you do not recognize? A. Yes, sir; there are three that I don't recognize; one that has left the house and two that I don't recognize at all.

Q. There are three names in that list that you do not recognize at all — one that has left the house? A. One has left the house since he has registered.

Q. And two that you do not recognize? A. And the other two I do not recognize.

Q. Well, is your knowledge of the people in the house of such a character that you could swear that those two that you do not recognize were not in the house? A. Well, unless they give me an assumed name; that is all I can go by.

Q. Unless they gave you an assumed name you can swear that they were not in that house? A. By that list; yes, sir; I do not know those names.

Q. Have you communicated that information to the police? A. No; I have not seen them yet; I generally do my work in the night time and they come around in the day time.

Q. Well, I will suggest then that you communicate that information to the police, give the police officials such information as you have about these three men you have spoken of; we don't care to bring out the names here, but you do that yourself? A. Well, to do that I should need to have a register-list, shouldn't I?

Q. I have given you a registry-list and you might write on a piece of paper the names from this list that you say were not in your house? A. One of those names is crossed out; there are only two names.

By Senator McNaughton:

Q. You are not certain but that the day-clerk communicated that information to the police officers? A. I am positive, for when I come there he gives me a report and he told me that they was around comparing my register with the registration-list, and they found everything correct.

By Mr. Boardman:

Q. But you don't know whether that fact was communicated to the police officials, these two names? A. I don't know.

Q. You say you know George Meuhlfeldt? A. Yes, sir; he is in the room at present.

Q. He is a German? A. Yes, sir.

Q. How long has he been there? A. To my knowledge, about nine months.

Q. Has Mr. Meuhlfeldt talked to you at all about the vote of the house? A. No, sir.

Q. Has he talked about election matters at all to you? A. No, sir.

Q. Has he told you that anbody has approached him on the subject? A. No, sir.

Q. He has not? A. He has not told me.

Q. Has he referred in any way to election matters in conversation with you? A. Only to the party that served him with a subpœna.

Q. In this matter? A. In this matter.

Q. And that is all? A. And that is all.

George Meuhlfeldt, being duly sworn, testified as follows:

By Mr. Boardman:

Q. Mr. Meuhlfeldt, you are the person referred to by the previous witness? A. Yes, sir.

Q. You live at No. 317 Bowery, do you? A. Yes, sir.

Q. How long have you lived there? A. Well, somewheres eight or nine months, on and off.

Q. Continuously, have you? A. Well, continuously very near; that is once in a while I would be away for a night or two, and that is about all.

Q. Has anybody lately talked to you about election matters in connection with that house? A. No, sir; nobody whatever.

Q. Have you said anything to this effect, in substance, to anyone in the last few days, that if certain persons who had talked to you about buying the vote of that house, applied to Stanley, that he was the proper man to see for election purposes, and that the boys in the

house felt pretty well by Stanley, and would be very likely to vote as he told them to? A. No, sir; said nothing about that at all.

Q. You are positive of that? A. Yes, sir; positive.

Q. Positive you have not said that to anybody? A. There were two gentlemen up there the other day asking about Stanley, and who was the person to speak about election; I referred them to Stanley, because Stanley, I know is the boss of the house, so far as I know.

Q. Who were the two people that came there to see you about it? A. I could not say who they were.

Q. Didn't they tell you who they were? A. They didn't tell me no names or anything else.

Q. What did they say to you, exactly? A. They asked me — they came there, and they wanted to know who was the clerk of the house; so I told them the clerk was down below; he was down stairs; I was going to go down stairs after him; they told me never mind; I would do just as well; got to speaking about election matters there, one thing another.

Q. Well, what did they say about it "one thing another;" that is what I want to find out? A. I don't remember what it all was they did tell me.

Q. Try to remember as well as you can; how much did they offer for the votes? A. They offered nothing.

Q. What did they say about money? A. They said nothing whatever about money.

Q. What did they say on the subject of getting the vote of the house; did they say they wanted to get the vote of that house?

Senator McNAUGHTON.— The better way, Mr. Boardman, would be to have him tell what took place?

Mr. BOARDMAN.— Yes; perhaps that would be the better way.

The WITNESS.— They did not exactly say anything about buying votes but they asked me about election matters and I told them I knew nothing about it and they asked me who to talk to about it, and if there was anybody there that spoke to Mr. Stanley about election matters; I told them I couldn't say; didn't know anything at all about the man's business.

Q. Did you speak to Stanley about it yourself? A. No, sir; I didn't speak to him about it until the other night I asked him was there anybody there to speak to him; that is all I know of.

Q. You did a few nights ago, speak to Stanley about it, did you? A. I asked him whether there was any gentleman there wanted to see him.

Q. About election matters? A. Yes, sir.

Q. Did you tell Stanley what these men had said to you? A. No, sir; there was no necessity of telling him that.

Q. Did you tell these men that came there, in substance, that Mr. Stanley was the proper person to see for election purposes? A. Well they asked me who the boss of the house was; I told them, as far as I knew that Mr. Stanley was.

Q. Did you tell them that the boys in the house held pretty well by Stanley and would be very likely to vote as he told them to? A. No, sir; I didn't say nothing at all about that.

Q. You swear to that? A. Well, I could not exactly swear to it, but I don't remember hardly anything I did say; they asked me a good deal there about it.

By Senator McNaughton:

Q. Well, tell the best of your recollection? A. Well, they asked me about that and I told them I thought the people there would do it if anything should turn up like that; as for buying or selling votes, or anything of that sort, nothing was mentioned of it.

By Mr. Boardman:

Q. You understood perfectly well what they were after, didn't you? A. I understood that they were after election matters; that is what they told me right off.

Q. After votes, were they not? A. They were after votes; that is what they said; further than that I don't know.

Q. You did not suppose they expected to get the vote of the house for nothing, did you? A. Well, I could not exactly say about that, I guess.

Q. You don't know who these men were? A. No, sir; I do not.

Q. What did they look like? A. Well, there was one gentleman there he had a full beard, and the other I didn't take no notice of at all.

Q. Did they tell you whom they wanted to vote for, or anything? A. No, sir.

Q. Which side they wanted you to vote for? A. No, sir; didn't mention anything at all about that.

By Senator McNaughton:

Q. Just one question, Mr. Meuhlfeldt; they may have been detectives looking up the registry matter, for all you know? A. I couldn't say who they were; they came here and spoke about election matters; that is all I know about it.

Q. Do you know the detectives that are known as such in that precinct, are you acquainted with them? A. No; I am not; but there

was one gentleman there I would know again if I seen him among a hundred.

SAMUEL DAVIDSON, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. What is your business? A. I have got charge of the lodging-house called the Great Northern Hotel, 268 Bowery.

Q. How many beds has it got? A. It has got 200 rooms and can accomodate 200 people.

Q. How many men have registered from that place? A. I could not tell you, sir.

Q. Have you had any talk with the police officers about comparing the registration with your books? A. No, sir; but the day clerk told me that there was a policeman up there.

Q. And you did not know what the result of their comparison was? A. No, sir.

Q. Have you had anybody to see you about buying the vote of your lodging-house? A. No, sir.

Q. Had any discussion with anybody about it? A. Well, no, sir.

Q. What do you mean by "well, no, sir?" A. When you talk about discussion, I have been connected with politics; I have talked with people about the nominations and so on.

Q. You know what the Corrupt Practices Act is, don't you? A. I do.

Q. You know the difference between talking with a man about politics and trying to sell the vote of the lodging-house, don't you? A. Haven't had no such kind of talk as that.

Q. Well, that is the question; has anybody approached you representing any political party here about buying the votes of your lodging-house? A. No, sir; never has.

WILLIAM R. STOCKING, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. What is your business? A. Warden of the branch workhouse at Hart's island.

Q. How long have you occupied that position? A. Eighteen months.

Q. Do you know William J. Hickey? A. I met him last Saturday, sir.

Q. Ever meet him before? A. Never saw him before.

Q. What is his business? A. He is a member of the State Democratic Committee.

Q. And a member of Tammany Hall? A. He told me he belonged to Tammany Hall, sir.

Q. Where did you meet him? A. In my house at Hart's island.

Q. How long ago? A. Last Saturday noon.

Q. Was anybody with him? A. There was another gentleman with him; I have forgotten the gentleman's name.

Q. Would you know him if you saw him again? A. Oh, yes, sir; I should know him.

Q. What happened; what transpired at that time? A. Mr. Hickey brought me a letter of introduction from the president of the department of charities and corrections.

Q. What is his name? A. Mr. H. H. Porter.

Q. Just an ordinary letter of introduction? A. That was all.

Q. Well, what did you say? A. I asked what his business was.

Q. What did he say? A. He said that he had come to see if all the men on Hart's island who were entitled to vote had been registered; I told him that all of the men on my pay-roll who were entitled to vote in New York city either had registered or would register that afternoon; it was last Saturday — the last day of registration.

Q. Then what did he say? A. He asked if there were any who were entitled to vote at City Island in the township of Pelham; I told him that there were three or four, including myself, who were residents at Hart's island who didn't have any city residence, who would vote at City Island.

Q. Then what did he say? A. He asked if I had registered or these others had; I told him I hadn't registered and I presumed the others had not; I told him that my interests were with New York city, the institution belonging to New York city; I did not care to mix with the politics of City Island, had nothing to do with them, but I offered to give him the names of these three or four men who were entitled to vote in City Island; he said he didn't —

Senator McNaughton.— They were employes?

The Witness.— Yes, sir; on the pay-roll; he said he didn't wish the names if I hadn't interest enough to go and register myself and use my influence to have them register, there was no use in his approaching them; I told him that I didn't see what we had to do with the local matters of City Island, for residents on Hart's island, but I would see these men personally, and if they wanted to register I would go myself with them and we would register; three of us went that afternoon and registered in City Island; the fourth man was in bed.

Q. During the interview that you had with Mr. Hickey did he show you any documents? A. He showed me a letter.

Q. Signed by whom? A. Signed by Richard Croker.

Q. What was in the letter? A. Well, I don't remember the wording of the letter; the purport of the letter was this: That Mr. Croker

wished — approved of his method of conducting the campaign and advised him to see one or two gentlemen whose names were mentioned in the letter; Gilroy, I think, was one of the names; the other one I am not sure about.

Q. What else did he say?

By Senator McNAUGHTON:

Q. Have you the letter? A. No, sir.

By Mr. BOARDMAN:

Q. What else did Hickey say to you; you never took the letter, did you? A I took it in my hand, but he kept it.

Q. What else did he say to you, if anything, about the votes of the paupers under your control? A. Well, he said there was a very close election in the Assembly district across the river, and there was a Tammany hall candidate for whom he was in favor, he being a Tammany man; I think the man's name was Ryan that he mentioned, and he was very anxious to secure all the votes he could for this man to elect him over the Republican candidate — Rhodes I think his name was; I told him I knew nothing with regards to these gentlemen, and I should vote for the best man, if I voted at all, as nearly as I could find out; he then asked me if there were any paupers connected with my institution who could vote or were entitled to vote; I answered if there were any paupers in my institution they were under the same rules of discipline as the other men who were committed by magistrates, and certainly I should not allow them to go to vote unless they were discharged by the commissioners, the proper authority to discharge them; he asked me if I was what my political party was; I told him I wasn't a politician; asked if I was a Republican; I said "not exactly; at the last election I voted three different tickets; parts of three; I was very independent;" and that was about the gist of our conversation.

Q. Did he refer in any way to the history of the past about this pauper business — pauper votes? A. He said that he or the gentleman with him — they both mentioned the matter — said that in '79 there was some forty votes secured from Hart's island, which were cast in City Island.

Q. From these paupers? A. Well, I judged that it was from the paupers, because he was speaking of the paupers.

By Senator McNAUGHTON:

Q. Did he say from the paupers? A. He said they were men on Hart's island; he didn't say from whom; I said "at that time there was a Hart's island hospital, this was called, in which there might

have been men competent to vote; I didn't know whether there were or not, but that institution had been abolished."

Q. When was it abolished? A. Three or four years ago, I think, sir.

By Mr. Boardman:

Q. Did he say to you, in substance, "Well, the republicans are pushing things, looking after votes, and I want you to do all you can for our man Ryan?" A. Just exactly that; yes, sir; he was very anxious for me to vote and get all the votes I could for Ryan; that is evident.

Q. Did you explain to him that these paupers could not legally vote? A. I said they could only vote by being discharged by the proper authorities, who were the commissioners; that was the only way they became free men; they are committed for a certain time just the same as a magistrate would commit them; if they run away we catch them just the same as we would a man committed by a magistrate, if we can; under the same rules.

Q. Did you ever receive a communication from the president of the department, about the protest of the people in City Island, against these people going over there to vote? A. Yes, sir; I received such a communication last year, a year ago this fall; I think I alluded to the matter in my conversation with Mr. Hickey; this protest was written on behalf of some of the people of City Island, stating that by the voters of Hart's island they received a representation without taxation; that is, Hart's island people helped to control their local matters, whereas they were not taxed at all; I answered to the president of the department that myself and a few employes in my institution, we had no desire whatever to mix up with the local politics of City Island; we did not like to be disfranchised from voting in general matters.

Q. You say he spoke of these paupers; did he refer to them by name? A. Referred to them twice.

Q. As paupers? A. Yes, sir.

Q. And in connection with your efforts to get votes? A. Exactly; said: "Haven't you got paupers here who are entitled to vote at City Island?"

Q. Did he say anything about Dr. Eagan, the superintendent of the branch lunatic asylum? A. He said he had seen Dr. Eagan; Dr. Eagan promised to secure some votes of the lower end of the island.

Q. From the lunatic asylum? A. From the lunatic asylum; of course, he has a great many attendants there — forty or fifty, I suppose, men — I don't know — besides the women; they don't vote.

Senator McNaughton.

[illegible] you say he had forty or fifty attendants? A. Yes, sir; in the [illegible] the asylum.

[illegible] attendants? A. Yes, sir.

[illegible] the paupers under your charge residents of City [illegible] A. No, sir, not of City Island.

[illegible] the signature of Mr. Croker? A. I never saw it [illegible] very extensively. I should know it again, sir.

[illegible] A. No, sir.

[illegible] that it was his signature or not? A. I [illegible]

[illegible] A. No, sir.

[illegible] member of the Democratic [illegible] of introduction stated that [illegible] That is all I know about [illegible]

[illegible] A. No, sir; the [illegible] I saw him.

[illegible] employes in the [illegible] gentleman who [illegible] residences in [illegible] their families [illegible] they ought to [illegible]

[illegible] they made some- [illegible] was entitled to [illegible] were there [illegible] the employ of [illegible] our disap- [illegible] of the city. [illegible] pass, wasn't [illegible]

[illegible] testified as [illegible]

[illegible] very.

[illegible] A. I am day [illegible]

[illegible] sir

[illegible] Hotel.

Q. How many people will it accommodate? A. Two hundred and seventy.

Q. How many beds are occupied on an average? A. About 150 or 160.

Q. Have you seen the list of people registered from that house? A. Yes, sir.

Q. You have? A. Yes, sir.

Q. You have seen the list? A. No; I have not seen the list.

Q. Have you got the books of the lodging-house here? A. Yes, sir.

Q. Please get the books? A. Yes, sir. [Books produced.]

Q. What number did you say it was? A. Eleven and 13.

Q. I find, by reference to the *City Record*, that there are forty-one persons registered from your lodging-house; have you seen that list? A. No, sir.

Q. Have you had any conversation with any policeman about the registration from your lodging-house? A. No, sir; I believe he was up there at night-time; I am not there at night-time.

Q. He didn't see you? A. No, sir.

Q. You do not know anything about it? A. No, sir.

Q. You say you are the day clerk? A. I am the day clerk; yes, sir.

Q. Do you know John Brooks? A. Slightly; yes.

Q. How long has he been at your house? A. Well, there are two Brooks there; I don't know exactly which is John.

Q. You do not know them by their Christian name? A. No, sir; we do not take the first name.

Q. You do not take the first name? A. No.

Q. How long have these two men been there? A. Well, to the best of my knowledge, they have been there a month, perhaps over.

Q. Does not your book show when they came; find the entry in the book when they came? A. Well, as I said, we do not take the first name.

Q. Well, come and find any books? A. There are two of them in the house.

Q. Well, find the day when they came? A. [Referring to book.] Well, here is a Brooks here way back on September sixth.

Q. Is there any since? A. Yes; right along that one.

Q. Do you know whether that is the John Brooks that registered or not? A. That I do not know, not to swear to.

Q. How about John Read, do you know him? A. Yes, sir.

Q. How long has he been there? A. He has been there pretty near a year, with the exception of about the last two weeks.

Q. How about John Gemmell; do you know him? A. I know him slightly; I would not like to say about him.

Q. You would not like to say about him? A. No, sir.

Q. Is it not a fact that he has not been there? A. Well, I would not swear to that either.

Q. Is there any way of finding out whether John Gemmell has or has not been there? A. He is a very unsteady lodger; I know he has not been there right along, that is what we call a steady lodger is a man that is there from night to night.

Q. He has not been there from night to night? A. No, sir.

Q. Do you think John Gemmell has been at your house six times during the past month? A. Not in the past six months, I would not swear to; no, sir.

Q. He has not? A. No, sir.

Q. That book would show how much John Gemmell had been there, would it not? A. Yes, sir.

Q. Well, now, tell me how many nights John Gemmell spent in that place during the past month? A. You see the way it is with these lodgers they are not always in one room, they are changed about and it is very difficult to trace them up.

Q. You have got his name every night he has been there? A. We have got his name every night he has been there.

Q. Now, look over your books and tell me how many nights he has been there from the first of the month, how many nights he has spent in that house from the first of the month; you would know Gemmell if you saw him? A. I would; yes, sir.

Q. You could point him out to a police officer, could you not? A. I could; yes, sir; I do not see his name in this book; we have another register.

Q. You do not find his name in that book during that month? A. Not in that month.

Q. Now, get the other book and see from that if he has been there at all? A. No, sir (examining book); yes; he is here in this book.

Q. When, what date? A. October fifteenth.

Q. That is the first time his name is in the book, October fifteenth? A. That is the first I can see; he might be scattered through in some other book.

Q. Now, take from October fifteenth and tell me how many nights he spent there? A. Well, from October fifteenth to the thirtieth, with the exception of about three nights in between that he has missed.

Q. He was there from October fifteenth to October thirtieth with the exception of three nights? A. Three or four nights.

Q. But he was not there previous to that? A. Not that I can see.

Q. You have looked through the books? A. Yes; I know, but in this book if they are not there a great many nights they are shifted.

Q. You have looked through the books, have you not? A. The best I could.

Q. How about John Gemmell having been to your place before October fifteenth; did you ever see John Gemmell before October fifteenth? A. I have seen him before; yes.

Q. How long a time before? A. Well, a couple of weeks, to the best of my knowledge.

Q. How long did he stay with you then? A. That I really could not say; there are some of them who come in there and stay around for a while, and you can not always tell whether they stay there unless you happen to look through the book.

Q. Does that book show exactly how many nights John Gemmell stayed in your house? A. Yes, sir.

Q. How many nights do you think John Gemmell has stayed there during the past year? A. Well, may be three weeks.

Q. May be three weeks? A. Yes, sir.

Q. Now, take Thomas Joyce? A. That man I don't know.

Q. Do you know Thomas Joyce? A. No, sir.

Q. Is there any Thomas Joyce there? A. I looked through the books and could not find him.

Q. There is no Thomas Joyce there? A. Not on this book.

Q. You have got a pretty good memory? A. Yes, sir.

Q. You swear that Thomas Joyce is not in the house, do you? A. Yes, sir.

Q. Well, now take Charles L. Coomo? A. Well, he has been there a month; he is a pretty steady lodger; he has been there more than a month.

Q. He has been there more than a month? A. Yes, sir.

Q. And he is a pretty steady lodger? A. Yes, sir.

Q. How about William McAvoy? A. I don't know anything about him.

Q. Do you find him on the book? A. I don't find him on the book, but the night man tells me that he went under an alias for a long time, that he was staying there, but he was under an alias.

Q. You don't know who he is? A. I don't know who he is, for the simple reason that he used to come in a great deal nights, and I not being there nights, I naturally did not see the man.

Q. How about Charles Willis? A. That is the bookkeeper who is there; he is on at night.

Q. Joseph Batterman? A. He has been there a month; he is a steady lodger.

Q. How about Andrew J. Watts? A. Watts, I am not sure of; he is another night man, comes in late; if the night bookkeeper was here, he could tell better.

Q. Do not the books show when Watts came? A. Well, this Watts may be under an alias, too; there are a great many of these, previous to registration, they were under another name, and, of course, I didn't know what the other name was; the night man would know that.

Q. As a matter of fact, there is no Watts on the book, is there? A. Oh, yes; there is a Watts there.

Q. Are you looking for Watts now? A. Yes.

Q. Well, try to look for Watts. A. Here is a Watts here on October twenty-sixth.

Q. Well, that would not be a month before the election? A. Well, he might possibly be in this other book.

Q. Well, look in the other book and see if you can find him; has this work already been done by the police? A. No, sir.

Q. Has there been any comparison of this list? A. Not in my time; not in the daytime, I haven't seen anybody there.

Q. There is the night clerk, what is his name? A. His name is Willis; he is not here.

By Senator McNAUGHTON:

Q. There may have been a comparison made with the night clerk and you not know it? A. There may have been and I not know it.

Q. You said you looked for a man the other day, a man named Joyce, I think it was? A. Well, the supervisor was up there looking over the books yesterday, and when he came to that name I naturally looked back to see if he was there; not knowing the man, I looked back.

Q. What supervisor was that? A. I don't know his name.

By Mr. BOARDMAN:

Q. Supervisor of elections? A. Yes, sir.

Q. John I. Davenport? A. No, sir; a young fellow; I don't know his name; here is his name in this book, Tuesday, October second; I will run back of that; I see him back here September nineteenth.

Q. Well, now, after October second, when was he there? A. Well, it must be October twenty-fifth.

Q. That man has not been there more than about three days in the past month, has he, Watts? A. Not much more.

Q. Not much more than three days in the past month, and what was

the first day that you gave me, October second, was it not? A. The second; yes.

Q. Then he was not there again until October twenty-fifth? A. October twenty-fifth.

Q. Now, look down this list of names here in the city record, commencing with Peter Evars, and running down to John I. Sauer, and tell me the names that you do not recognize as men who are regular boarders at the house? A. Well, that Peter Evars.

Q. You do not recognize him? A. No, sir.

Q. Who else? A. There is one down here as John Anderson; we have got one down there as August Anderson, but whether this is one and the same party; I don't know John McCann.

Q. You do not recognize him at all? A. No, sir.

Q. Who else? A. John J. Ryan; I don't know him — that is, I know him, but I don't know whether he is there long enough.

Q. You don't think he has been there long enough?

Senator McNaughton.— He says that he don't know that he has.

Q. You know as much about it as anybody in the world, do you not? A. Well, I ought to know something about it; I am there in the daytime; and there is a George Edwards.

Q. You do not know him? A. No.

Q. Has this information that you have given to this committee been communicated in any way to the police? A. No, sir.

Q. You are sure of that? A. Yes, sir.

By Senator McNaughton:

Q. Do you mean by you? A. Yes, sir.

Q. You do not know what the night clerk has done? A. I don't know what the night clerk has done; no, sir.

By Mr. Boardman:

Q. Has anybody talked to you about this vote in any way? A. No, sir.

Q. Had any discussion about it at all? A. No, sir; none whatever.

Q. No proposition to buy it, or anything of that kind? A. No, sir.

By Senator McNaughton:

Q. Are there any night lodgers there whom you would know? A. A great many of them; the majority of them whom are registered in this book are men that come after 6 o'clock in the evening; my hours are from 6 in the morning until 6 in the evening.

Q. And those you do not know? A. Those I do not know; I might know them slightly.

Q. And the names referred to here might be night lodgers and you not know them? A. The names referred to might be night lodgers and I not know them.

Q. Is it the practice of these lodgers to change their lodging places very often? A. They do occasionally, yes, sir; it is what they call transient men who come in and stay a night or two or a week and go away again.

Q. Go to some lodging-house in the near neighborhood? A. Yes, sir; and there is likely to be a mistake oftentime occur, a man may be a steady lodger in the one room, and he may be out two or three nights and his room given to another man and he put in another room; that occasions sometimes a great deal of difficulty in finding the names.

Q. You will communicate to the police all the information you have in regard to this, to enable them to ferret out wrongs if there are any wrongs? A. Yes, sir.

Senator McNAUGHTON.—Mr. Boardman, he testifies that he is not acquainted, and does not profess to be, with all those who lodge there at night; these parties that you have called the attention of the witness to, might be there and he not know them.

The WITNESS.—Especially that man McAvory, he has been there under a wrong name.

Mr. BOARDMAN.—We ought to have the night clerk here; how long will it take to get him here?

The WITNESS.—He is away now.

WILLIAM WESTPFAL, called as a witness, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. What is your business? A. Clerk.

Q. Where? A. Ninety-six Bowery.

Q. Ninety-six Bowery? A. Yes, sir.

Q. What is the name of the house? A. The Victoria House.

Q. What is the capacity of the house; how many people would it accomodate? A. One hundred and thirty.

Q. How many does it usually accommodate; how many guests do you have? A. One hundred and twenty-five.

Q. You are pretty full then, generally? A. Yes, sir—not me, the house.

Q. You say it will accommodate about 130, and you usually have about 125? A. Yes, sir.

Q. What do you charge per night? A. Twenty-five cents.

Q. How long have you been in the business? A. Well, about eight years.

Q. Do you know how many people have registered from that lodging-house? A. I do not.

Q. Have you seen the registration? A. No; I have not.

Q. Have you had any talk with the police? A. With nobody.

Q. Do you know enough about the people who come to the place by looking over the list to say if there are any on the list who ought not to be there? A. There has nobody been there.

Q. I mean, do you know enough about the people who go to your house? A. Yes, I do.

Q. You attend to the business yourself? A. I do.

Q. You are there night and day? A. No; I am there in the night-time.

Q. You are there in the night-time and not in the day-time? A. Not in the day-time.

Q. What number is your place? A. Ninety-six Bowery.

Q. Have you got your books here with the registry? A. Yes, sir.

Q. Well, please go and get it? A. Yes. sir. [Producing book.]

Q. Are all the lodgers registered in the book? A. Yes, sir; they are.

Q. Do you know William F. Westpfal? A. Yes, sir; that is myself.

Q. George W. S. Taylor? A. Yes, sir.

Q. Who is he? A. He is an old gentleman selling books.

Q. How long has he been there with you? A. Oh, he is there a couple of weeks.

Q. A regular lodger? A. Yes, sir.

Q. George Baldwin? A. He is a regular lodger too.

Q. How long has he been there? A. For about two years.

Q. George P. Clapp? A. Yes, sir.

Q. A regular lodger? A. Yes, sir.

Q. How long has he been there? A. Since the house is open

Q. John O'Brien? A. He is a regular guest too.

Q. How long has he been there? A. I don't know exactly how long, but long enough.

Q. A year? A. Quite a year.

Q. John C. Van Dam? A. Yes, sir.

Q. How long has he been there? A. About three years.

Q. He is a regular lodger, is he? A. Yes, sir; he is a regular lodger.

Q. William Hyer? A. He is there for about nine months.

Q. Andrew J. McEvity? A. He is there for about two years.

Q. Henry Hennes? A. Yes, sir; that is correct.

Q. How long has he been there? A. About two years.

Q. A regular lodger? A. Yes, sir.

Q. John F. Nevens? A. Yes, sir.

Q. How long has he been there? A. For a year about.

Q. Is he a regular lodger? A. Yes, sir.

Q. By regular, you mean he is there almost every night? A. Yes.

Q. Regularly staying at the house? A. Yes; that is what I call regular.

Q. John Gollick? A. Yes, sir; he is correct, too.

Q. How long has he been there? A. He is there for about nine months.

Q. Edward S. Anderson? A. That is correct.

Q. How long has he been there? A. About four months.

Q. About four months? A. Yes, sir.

Q. George G. F. Jones; how long has he been there? A. I don't know him.

Q. You don't know him? A. No, sir.

Q. How about William A. Webb? A. William A. Webb is correct; he is there for about two years.

By Senator McNAUGHTON:

Q. You do not know whether the police have seen your place or not, or the person who is on duty in the day time? A. No, sir.

Q. You do not know anything about that? A. No, sir; they had not spoken to me.

Q. They have not spoken to you; they may have spoken to your clerk? A. I don't know.

JOHN H. WYBURN, called as a witness, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. Mr. Wyburn, what is your business? A. Lodging-house clerk.

Q. Where? A. Two hundred and eighty Bowery.

Q. How many beds have you? A. One hundred and sixty, and twenty rooms.

Q. What is it, a fifteen cent house? A. Fifteen and twenty-five.

Q. A fifteen and twenty-five cent house? A. Yes, sir.

Q. How long have you been there? A. Two years.

Q. How many people do you usually have there? A. One hundred and eighty — full house every night.

Q. Full house every night? A. Nearly every night.

Q. Nearly every night? A. Yes, sir.

Q. Have you seen the registration from your house? A. No, sir.

Q. Had any talk with the police about it? A. No, sir; possibly they might have been there; I don't know whether they were or not; I haven't seen them.

Senator McNaughton.— You have a clerk, an assistant?

The Witness.— I have a night clerk; I am day clerk.

Q. Now, there are fifty registered from that house, and here is a list of them; can you tell, by looking over that list, which of them are regular boarders, and which are occasionals [handing this to witness]? A. I don't know; I might be able to do so?

Q. Now, look over that list, from Lewis Shonberg down to Hugh Maginnis, and state which of those you would say were only occasionally at your house? A. As far as I know, I think all of them are.

Q. Are what? A. Regular men, steady men, steady lodgers; I don't see any there that I don't know.

Q. You think this list is correct? A. Yes, sir.

Q. You do not see any there that you do not know? A. No, sir.

Q. Has there been a comparison of this registration with your books? A. I could not tell you; I have not heard whether there has been or not; as a rule, there always has been since I have been there, but whether there has been this year or not, I don't know.

Q. You don't know whether there has been this year or not? A. No, sir.

Q. Has anybody spoken to you about this vote, anybody asked you to do anything about it? A. No, sir.

Q. No discussion about it? A. No, sir.

Q. No talk about it? A. No, sir.

Q. No politicians been there to secure the vote? A. Not to my knowledge.

Q. Haven't had any conversation with you about it? A. No, sir.

Q. Are you prepared to swear that these men have all been in your house— A. No, sir; I am not prepared to swear, but as far as my memory serves me, I think there are all steady men there, every one of them; the Eureka House has been open for five years, and most of them are steady men; some of them have been there since the house opened; so far as my memory serves me, I think they are all steady men, every one of them.

Q. Are you connected with any other lodging-house? A. No; I am not connected with any other.

Q. Well, have you anything to do with any other lodging-house? A. There are six of them belonging to Mr. Tibbalds; he has six in the city here.

Q. Where are the other five? A. One in Harlem, One Hundred and Twenty-third street, one at Sixty-fifth street, one at 4 Rivington street, one at the corner of South Fifth avenue and Bleecker, and one at 43 Bowery.

Q. What is the name of the proprietor? A. Lewis T. Tibbalds.

Q. You exercise personal supervision over this particular lodging-house? A. I do at present, yes; Mr. Hadley is the superintendent, but he started for Rochester before the notice was served.

Q. During the past month have you been at this house? A. Yes, sir.

Q. How much time have you spent there during the past month? A. Well, the first part of the day, from 6 in the morning until 6 at night.

Q. You have been the day clerk and have been there during the past month without seeing these men going in and out? A. Going in and out, of course — what I mean by that is, I don't see them going in, but I know they stay there, that is as far as I know; I couldn't tell exactly; I couldn't swear to every name there, but the majority of them I know do stay there; last year there were sixty-two registered from that house.

Senator AHEARN.— Which one of those hotels does Tibbalds make his headquarters in?

The WITNESS.— He has nothing to do with the business. He only superintends it. He comes around about six or seven times a year.

Q. Which of these men have you any doubt about? A. [Examining list.] Some of these men give different names; now there is one name that I don't recognize.

Q. What name is that? A. That is Marra.

Q. What is his Christian name as given there? A. Charles Marra.

Q. Well, you mean to say you never heard that name before? A. Not to my knowledge; no, sir.

Q. What made you testify a minute ago that all these fifty names you recognized as familiar, and all these fifty men were there? A. I think I put in the proviso, as far as I knew.

Q. You know nothing about Marra? A. No; by that name.

Q. Now, how many more are there that you know nothing about out of the fifty? A. I know there is a Patrick Courtney here as a steady man, but possibly he gives another name at the house.

Q. Is his name there? A. Patrick Courtney; yes, but I don't at the present remember the name, but if the night clerk was here possibly he might remember.

Q. How do you know, if you do not remember the name, if he is a steady man or is not? A. That is not what I am prepared to say, whether he is or not.

Q. Take Patrick Courtney as an illustration; you have got the book there? A. I have got the book there; yes, sir.

Q. Tell me when Patrick Courtney came? A. [Examining book.] No; I don't see him here.

Senator McNaughton.—Mr. Boardman, he says he does not see his name in the book.

Q. You do not find his name in the book at all? A. No, sir; not in the book, but I know a lodger by that name, but his name is not in the book at present.

Q. I thought you said that all the lodgers have their names in the book? A. They all have their names, but that man possibly is not staying there now.

Q. If his name is not in the book, he certainly is not staying there under that name; his name is not in the book? A. No, sir.

Q. Then he is not staying there under that name? A. No, sir.

Q. Then take this name Charles Marra; is he there in the house? A. No, sir; I don't know that name.

Q. He is not there, is he? A. No, sir; I don't see it.

Q. Is there anyone else there that you recognize as not being in the house, or any name there you do not recognize as a familiar name? A. Most of these names are familiar, and the men have stayed there, but possibly they are not staying there this week; they might have been staying there when they registered in the first place on the first day of registration; there is another one, William P. Cummings; that man is a steady man, but I don't think he is there this week.

Q. What do you mean by a steady man; how many times has he slept in the house in the past two months? A. I couldn't tell you that.

Q. Will you swear that he has slept there five times in the last two months? A. No, sir.

Q. You will not swear that he has? A. No; the great trouble is that these men very seldom give their right names when they come; if I saw them personally, I might recognize them under a different name; it is very rare that men give their right names in lodging-houses; most of those names are correct; as I glanced over it first, I saw all the names were familiar.

Q. Most of these names are correct, you think? A. Most of them are correct; over ninety per cent are correct.

By Senator McNaughton:

Q. Are there not lodgers in your place whom you are not familiar with? A. Oh, yes; lots of them come in there, sometimes men that I don't see, sometimes from one week's end to the other; they go out before I get up, and sometimes come in.

Q. Now, if those men, Charles Marra and Courtney, were night lodgers, you might not know them? A. I might know them, only under some other name.

Q. What is the occupation of most of your boarders, mechanics? A. Most of them are laboring men of some kind.

By Mr. BOARDMAN:

Q. Do I understand, with the exception of these names that you picked out, you swear from personal knowledge that the rest of these men have been living in your house as regular boarders for a month prior to the election; is that so? A. As far as my memory serves me; I don't know how I could swear any differently from that.

Senator McNAUGHTON.—Well, it would require a comparison of that list with your books to enable you to swear to that definitely, would it not?

The WITNESS.—Yes.

Q. Have you compared the list with your books? A. No, sir; I have not.

Q. It would take a good while to do that, would it not? A. Yes, sir; whether the list has been compared or not, I could not tell you.

Q. Tell me how many times, as appears by the books, Cummings has been there since the first of October? A. I don't find his name.

Q. You don't find his name at all since October first? A. No, sir; possibly he is stopping under another name.

By Senator McNAUGHTON:

Q. That is, you do not find the name, but the man may be there; that is your testimony, is it not? A. Yes, sir; I never yet knew of any false registration from the Eureka House.

Q. You never detected one yet? A. No, sir; not since I have been there.

By Mr. BOARDMAN:

Q. You are familiar with the provisions of the act called the Corrupt Practices Act, are you not? A. No; I don't know that I am, sir.

Q. You know that it is a crime for a person to attempt to sell a vote or to do anything with anybody else's vote for money? A. Yes, sir.

Senator McNAUGHTON.— You knew that before this law was passed, did you not?

The WITNESS.— Yes, sir; I knew it was a crime.

Q. Now, the names that some suspicion attaches to may be those of parties who lodge there at night, and you not know them? A. And I not know them; they might stop there under a different name; they very rarely give their right names.

TONY EGO, called as a witness, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. What is your business? A. I am clerk.

Q. Of what? A. Two hundred and seventy-four Bowery.

Q. A lodging-house? A. A lodging-house.

Q. How long have you been clerk? A. For the last six months.

Q. How many will the house hold? A. Sixty-five beds.

Q. And how many are there usually? A. About fifty or more.

Q. Well, Mr. Ego, you registered yourself from this place, have you not? A. Yes, sir.

Q. Have you looked over the list of people who registered from this place? A. Yes, sir.

Q. And compared it with the book? A. Yes, sir.

Q. What do you find? A. Fifty-seven men registered, and one of them left since he registered.

Q. Well, about the other sixteen? A. The sixteen have been at the house for more than one month, every one of them.

Q. And stayed there every night? A. And stayed there every night; yes, sir.

Q. For more than a month? A. For more than a month; yes, sir.

Q. And which is the one that did not? A, Martin Reilly; he left on the tenth of October.

Q. He left on the tenth of October? A. Yes, sir.

Q. Where is he now? A. He did not — I don't know sir; I saw him once or twice in the house, but he did not sleep in the house any longer.

Q. Well, between what times did Martin Reilly sleep in the house? A. Not since the tenth of October.

Q. Well, I know, but before that? A. Well, he has been in the house for two months.

Q. He has been in the house for two months before the tenth of October, about? A. Yes; for more than a month, anyhow; he had a right to register, but then he left the house.

Q. And has gone away? A. And has gone away; yes, sir.

By Senator MCNAUGHTON:

Q. Gone to some other boarding-house or lodging-house? A. Very likely; he is a laboring man.

Q. What is his business? A. He is a builder.

Mr. BOARDMAN.— He is a mechanic of some kind.

Senator MCNAUGHTON.— He thinks it is probable that he has gone to some other boarding-house.

Mr. BOARDMAN.— He does not know. He is gone, and that is all he knows about it.

Senator McNAUGHTON.— Yes.

By Mr. BOARDMAN:

Q. Has anybody spoken to you about election matters? A. No, sir.

Senator McNAUGHTON.— You mean in a corrupt sense?

Mr. BOARDMAN.— Undoubtedly; of course.

Q. Has anybody spoken to you about controlling in any way this vote? A. No, sir.

Q. You had no discussion with anybody about it? A. No, sir.

GEORGE CAPELL, called as a witness, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. What is your business? A. Hotel.

Q. Where? A. Three hundred and sixty-five Bowery.

Q. How many beds have you got? A. Eighty-eight.

Q. How much is the usual complement of guests? A. About how many?

Q. About how many? A. Average about seventy at night.

Q. Have you had any talk with the police about the registration from that house? A. No, sir.

Q. How long have you been connected with the house? A. Seven years, going on eight.

Q. Could you, by looking over the list of voters who have registered from your house, say which of them are regular guests of the house, and which are occasional and which have never been there at all? A. I don't know as I could the whole of them, because I don't register them myself; my night clerk could tell.

Q. Look over that list and see what names you don't recognize as being guests of the house [handing *City Record* to witness]; there are thirty-one registered from that house, are there not? A. I believe there are, sir; I recognize them all but two, and they may be in the house and I might not know them; my night clerk is here and can testify as to them.

Q. What is the night clerk's name? A. Cullman.

Q. You say you can recognize these as regular boarders and people entitled to vote? A. I could not say.

Q. I mean, have they been there long enough? A. Yes, sir.

Q. I am not speaking about these two, I am speaking about the others? A. I know they all stay there, but I can not tell exactly how long.

W. F. CULLMAN, called as a witness, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. Do you know Benjamin Hintzy? A. Hinsman is his name; he has his name down wrong in my book.

Q. He has his name down wrong on your book? A. Yes, sir.

Q. It ought to be what? A. Hinsman; he is inspector of election.

Q. And how long has he been at your place? A. He has been there about four months.

Q. Regular boarder? A. Regular boarder.

Q. How about William W. Cussins? A. I don't know; I tell you they give fictitious names on the register, and they give their right names when they go to register.

Q. Do you know William W. Cussins; do you know any man in your place by that name? A. Not by that name; no, sir.

Q. You are the night clerk? A. Yes, sir.

Q. Have you looked over this list of names of people registered from your house? A. I have; yes, sir.

Q. And what have you to say about the time that they have been at your house? A. Well, they have all been there the regulation time; the lowest, about three months.

Q. So that you testify to them all, except William W. Cussins? A. By that name.

Q. By that name you do not know him? A. By that name I don't him.

Q. Has anybody spoken to you about this vote? A. No, sir.

Q. About buying it, or anything of that sort? A. No, sir.

Q. Nobody has had any talk with you about it? A. No, sir.

Q. And, of course, you have done nothing? A. I have done nothing.

JAMES S. RIGNEY, called as a witness, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. Mr. Rigney, are you the proprietor or a clerk of 212 Bowery? A. Clerk.

Q. Night or day? A. Night.

Q. I see that there are fifteen men registered from that house? A. Yes, sir.

Q. How many will it accommodate? A. Seventy-eight rooms we have.

Q. You have seventy-eight rooms? A. Yes, sir.

Q. What sort of a house is it; a twenty-five cent house or what? A. The best house in the city; twenty-five cents.

Q. Can you, by looking over the list of registered voters, pick out those that you know as permanent guests of the house. A. Yes, sir.

Q. Well, please look at that list of fifteen and tell us which you can identify as permanent guests of the house, and which you can not? A. Every one of them I have known ever since they came to the house and know their pedigrees since they have been in the house.

Q. What have you to say as to how long each has been there? A. Every man has a right to vote.

Q. He has been there certainly a month before election staying continuously at your house? A. Most of them over two years.

Q. Has anybody spoken to you about this vote? A. No, sir.

Q. About money or anything of that kind for your influence? A. No, sir; we have political arguments in the house, of course.

Q. I do not mean political arguments? A. I understand what you mean.

Q. You understand what I mean, within the principles of the Corrupt Practices Act? A. Nothing at all.

PHILLIP O. GEISSEL, called as witness, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. What lodging-house are you connected with? A. Three hundred and fifty-four Bowery.

Q. What is your connection with it; what do you do? A. Manager.

Q. You are there night and day? A. There all the time.

Q. There all the time? A. Generally.

Q. How many will your house accommodate? A. Ninety-five.

Q. Have you looked to see what voters have registered from your lodging-house? A. Yes, sir.

Q. You have looked over the list, have you? A. Yes, sir.

Q. What have you got to say about it? A. The officer brought the list there, and it did not correspond with the ones that were entitled to register.

Q. That is, the officer brought the list there, and you went over it with him, and it did not correspond with your book; is that correct? A. Yes, sir.

Q. In what respect did it differ? A. There was one name on the list who was not entitled to vote.

Q. What was the name of the man? A. Thomas F. Bennett.

Q. Why was not Thomas F. Bennett entitled to vote? A. He had not been in the house for nine months as a guest.

Q. You mean during nine months he had not been in the house? A. Not as a guest.

Q. Do you know where Thomas F. Bennett is now? A. No, sir.

Q. What number is that? A. Three hundred and fifty-four Bowery.

Q. Has anybody talked to you about the vote of that lodging-house? A. No. sir.

Q. No effort made to get the vote of these men through you in any way, shape or manner? A. No, sir.

Q. Have you heard of any such thing? A. No, sir.

By Senator McNaughton:

Q. The police officer had the name of this man? A. He had the name on the list.

Q. And you and he talked about it, that he was not entitled to vote? A. When he called that name off, I told him he was not entitled to vote, and he made a mark opposite his name.

Senator Ahearn.—What part of the Bowery is it?

The Witness.—Between Great Jones street and Court street, on the east side.

Mr. Boardman.—I think that is all for to-day.

Senator McNaughton.—Mr. Boardman, it has not been customary for the committee to sit on Saturday.

Mr. Boardman.—We will not ask the committee to sit on Saturday.

Senator McNaughton.—If there are any frauds to discover or unearth, the committee will not object to sitting any time.

Mr. Boardman.—We will not ask the committee to sit to-morrow.

Senator McNaughton.—It was so understood by Mr. Ivins, and is satisfactory to him?

Mr. Boardman.—Yes, sir.

Senator McNaughton.—And it is satisfactory to everybody interested in this matter?

Mr. Boardman.—We are all satisfied to have an adjournment of this committee subject to the call of the chairman.

Senator McNaughton.—This committee stands adjourned subject to the call of the chair.

EXHIBIT 1 — OCTOBER 29, 1890.

MEMORANDUM OF PAYMENTS FOR MATERIALS AND SUPPLIES ON ACCOUNT OF THE FIRE DEPARTMENT, FROM JANUARY 1, 1884, TO MAY 1, 1889.

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
569	Enoch Vreeland, Sr., painting	January, 1884	$160 00
573	M. Breen, painting	"	724 00
575	L. H. Dahlman, horse	"	300 00
579	Holmes, Booth & Hayden, galvanized iron ware	"	241 33
580	Chas. W. Dorn, vitriol	"	89 07
581	A. Arctander & Co., mason work	"	370 00
582	Lambertville Spoke Manufacturing Company, spokes	"	87 50
583	John P. Jube & Co	"	16 36
585	John McClave, spruce	"	309 73
587	William D. Burns, Jr., wood	"	96 00
588	John Moonan, account contract 6370, for hay	"	969 66
589	Winant & Terhune, contract 6003, for coal	"	1,808 62
779	Isaac N. Dahlman, hire of horses	"	952 00
780	Baumann Bros., desk	"	153 13
1028	Pearce & Jones, wire	"	108 36
1311	M. F. McAnnery, ash kettles	"	124 80
1312	John P. Jube & Co., cloth	"	47 95
1314	John Moonan, account contract 6370, for hay	"	1,177 46
1405	Clapp & Jones Manufacturing Company, crank shaft	"	157 00
1477	A. Arctander & Co., carpenter work	"	650 00
1424	The Hunter Keller Manufacturing Company, pipe	"	133 25

1428	James S. Barron & Co., brooms	"	73 80
1429	Early & Lane, brooms	"	271 20
1430	W. A. Ohlsen, sponges	"	359 50
1433	Sylvester Hilton & Co., Barnsley twill	"	170 20
1452	A. Arctander & Co., carpenter work	"	455 00
1453	A. Arctander & Co., carpenter work	"	670 00
1748	C. W. Dorn, oil of vitriol	"	224 49
1774	Ilsley, Doubleday & Co., white lead	"	261 99
1798	John McClave, spruce	"	76 74
1800	Baumann Bros., desks	"	70 00
1801	C. M. Moseman & Bros., blankets	"	57 85
1802	The Gutta Percha and Rubber Manufacturing Company, fire hose	"	430 62
1803	John Peyser, regulation fronts	"	170 00
2243	John Moonan, account contract 6408, for hay	"	1,060 99
2251	Early & Lane, manilla rope	"	133 30
2336	Ogden & Wallace, testing iron	"	97 72
2340	I. H. Dahlman, horse hire	"	338 00
2341	I. H. Dahlman, sorrel horse	"	300 00
2398	Winant & Terhune, in full for contract 6003, for coal	"	2,824 49
2399	The Gutta Percha and Rubber Company, copper rings	"	120 00
2400	D. A. Woodhouse, castings	February, 1884	118 94
2511	A. Arctander & Co., carpenter work, H. and L. Co. No. 5	"	585 00
2512	A. Arctander & Co., carpenter work, H. and L. Co. No. 5	"	279 00
2654	Van Tassell & Kearney, horse	"	400 00
2664	Sol. Mehrbach, horse	"	300 00
2747	I. H. Dahlman, horse	"	300 00
2754	The Hunter Keller Manufacturing Company, brass pipe	"	150 00
2764	I. H. Dahlman, horses	"	600 00
2888	The National Stove Company, new base complete	"	368 68
2991	A. Arctander & Co., carpenter work	"	495 00
3111	Ilsley, Doubleday & Co., carriage dusters	"	600 10

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC. — (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
3112	C. H. Delamater & Co., labor and material	February, 1884	$330 00
3165	John Powers, mg'r iron hooks	"	152 44
3167	Swan & Finch, oil	"	101 67
3168	Geo. W. Hartt, leather	"	165 65
3171	Pearce & Jones, Hill zincs	"	155 00
3173	L. G. Tillottson & Co., zincs, brackets, etc.	"	193 69
3193	Frederick A. Shields, plumbing	"	809 50
3225	T. New, roofing	"	95 00
3226	Clapp & Jones Manufacturing Company, screws	"	142 50
3228	C. M. Moseman & Bro., whips	"	406 90
3230	Ilsley, Doubleday & Co., cotton waste	"	308 69
3313	John Moonan, in full for contract 6370, for hay	"	1,083 52
3314	John Moonan, in full for contract 6408, for hay	"	1,170 30
3318	H. Arctander & Co., carpenter work	"	845 00
3410	H. E. Bowns, coal	"	660 00
3411	H. E. Bowns, coal	"	385 00
3413	Winant & Terhune, coal	"	544 50
3513	Issac H. Dahlman, horses	"	906 00
3515	C. H. Field, Sr., repairs	"	229 00
3516	Isaac H. Dahlman, horse	"	300 00
3527	H. E. Bowns, coal	"	710 26
3528	M. Breen, painting	"	425 00
3954	W. H. Dobbs, carpenter work	"	450 00
4103	James E. Poole, in full for contract 6248, repairs	"	3,505 92

4299	The Gutta Percha and Rubber Company, gum rings	March, 1884	158 85
4301	Quackenbush, Townsend & Co., copper	"	127 68
4335	David Hoyt, white oak	"	104 70
4336	The Hunter Keller Manufacturing Company, brass pipe	"	147 74
4338	Isaac H. Dahlman, horses	"	900 00
4466	The Gutta Percha and Rubber Manufactur'g Co., fire hose contract, 6398	"	2,812 50
4467	A. Arctander & Co., carpenter and mason work	"	947 00
4469	L. S. Tillottson & Co., screw insulators	"	106 52
4630	John Moonan, hay contract 6408	"	1,532 81
4633	Isaac H. Dahlman, horse	"	300 00
4635	Clapp & Jones Manufacturing Company, hose pipe	"	149 25
4639	A. Arctander & Co., carpenter work	"	215 00
4643	C. H. Hance, soap	"	117 50
4646	Frost & Wood, desks	"	212 50
4781	C. W. Dorn, medicine	"	311 55
4783	Lambertville Spoke Manufacturing Company, wheels for tenders	"	168 00
4959	John Powers, manufacturer compound castings	"	831 38
4961	George Teasdale, tinsmith work	"	230 00
4962	William Crosbie, harness	"	450 00
4963	Clapp & Jones Manufacturing Company, copper pipes	"	200 00
4995	Abner Greenleaf, in full for contract 6451, for water tower	"	4,000 00
5102	A. Arctander & Co., carpenter and mason work	"	875 00
5104	George W. Hart, harness, leather	"	139 27
5111	L. G. O'Brien & Co., painting	"	580 00
5208	L. G. O'Brien & Co., painting	"	170 00
5209	William Clyde, leather	"	.....
5210	The Gutta Percha and Rubber Manufacturing Co., fire hose, contract 6432.	"	2,835 00
5295	H. E. Bowns, coal, contract 6409	"	1,667 46
5296	H. E. Bowns, coal contract 6409	"	1,576 57
5424	The Gutta Percha and Rubber Manufacturing Co., fire hose, contract 6432.	"	2,835 00
5433	Clapp & Jones Manufacturing Company, tender hubs	"	425 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
5435	Frost & Wood, furniture	March, 1884	$425 75
5651	Hunter Keller Manufacturing Company, pipe	"	325 50
6055	John Moonan, hay, contract 6408	"	907 01
6056	The Gutta Percha and Rubber Manufacturing Co., hose, contract 6432	"	4,951 25
6058	Ilsley, Doubleday & Co., cord	"	151 25
6060	Frederick A. Shields, axes	"	947 00
6067	Chesebro & Whitman, ladders	"	135 46
6309	Frederick A. Shields, plumbing	April, 1884	250 00
6310	Scovil Manufacturing Company, buttons	"	121 50
6311	L. G. O'Brien, painting	"	505 00
6312	Ogden & Wallace, iron	"	243 58
6318	I. H. Dahlman, horses	"	600 00
6320	William Crosbie, harness	"	126 00
6322	M. Breen, painting	"	575 00
6323	A. Arctander & Co., carpenter work	"	530 00
6324	A. Arctander & Co., carpenter work	"	400 00
6585	John Moonan, hay, contract 6408	"	650 43
6586	Henry E. Bowns, coal, contract 6409	"	2,167 91
6587	The Gutta Percha and Rubber Manufacturing Co., fire hose, contract 6432	"	1,653 75
6588	William J. Lanigan, mattresses	"	424 58
6589	Peerless Manufacturing Company, mats	"	132 48
6849	John McClave, lumber	"	477 07
6861	William Pither, grantings	"	216 00
6864	Western Electric Company, wire	"	102 62

6869	Ilsley, Doubleday & Co., tin	"	230 95
6870	Hunter Keller Manufacturing Company, brass tubing	"	658 90
6871	George W. Hartt, leather	"	218 93
6875	The Gutta Percha and Rubber Manufacturing Company, lining hose	"	135 00
6877	William H. Dobbs, carpenter work	"	200 00
6879	The Gutta Percha and Rubber Manufacturing Co., hose contract 6432	"	1,417 50
7024	Clapp & Jones Manufacturing Company, altering engine	"	850 00
7232	The Gutta Percha and Rubber Manufacturing Co., hose contract 6432	"	5,670 00
7233	A. Arctander & Co., carpenter work	"	240 00
7234	Baumann Brothers, carpenter work	"	138 90
7241	W. A. Ohlsen, sponges	"	313 00
7556	Gutta Percha and Rubber Manufacturing Company, hose contract 6432	"	2,835 09
7557	Clapp & Jones Manufacturing Company, relief valve	"	236 00
7775	C. A. Jones & Co., galvanized cleats	"	102 69
7777	E. R. Merrill, springs	"	168 20
7779	National Stove Company, globe heaters	"	121 50
7782	John Powers, mg'r, harness	"	322 00
7784	Early & Lane, brooms	"	137 00
7785	Frost & Wood, desk	"	191 50
8204	James Carroll, horse	May, 1884.	300 00
8205	I. H. Dahlman, horses	"	600 00
8206	John Powers, mg'r, castings	"	186 92
8210	George Teasdale, tinsmith work	"	350 00
8351	P. McCann, toweling	"	150 00
8353	Ogden & Wallace, iron	"	454 46
8436	John Moonan, hay contract 6408	"	1,260 08
8348	Gutta Percha and Rubber Manufacturing Company, hose washers	"	109 50
8729	W. D. Burns, Jr., wood	"	102 00
8735	I. H. Dahlman, horses	"	600 00
8749	N. C. Walter, badges	"	170 00
8752	John Moonan, hay	"	664 52

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
8757	Hunter Keller Manufacturing Company, tubing	May, 1884	$381 00
8790	Winant & Terhune, coal	"	194 48
8793	Ilsley, Doubleday & Co., brooms, dusters, etc	"	737 89
8893	I. H. Dahlman, horses	"	900 00
8946	Clapp & Jones Manufacturing Company, account contract 6452 for boilers and repairs to engines	"	1,170 00
9116	A. Arctander & Co., carpenter work	"	182 00
9123	Ilsley, Doubleday & Co., brooms	"	121.25
9223	Clapp & Jones Manufacturing Co., account contract 6461, for engines	"	7,068 00
9224	Pearce & Jones, iron box cells	"	182 13
9225	Quackenbush, Townsend & Co., tacks	"	199 31
9226	A. G. Day, copper wire	"	110 70
9227	Clapp & Jones Manufacturing Company, nozzles	"	164 50
9230	Swan & Finch, oil	"	143 08
9232	Peerless Manufacturing Company, hydrant connections	"	150 00
9342	Lawrence McMahon, hay contract 6503	"	595 57
9343	R. J. Wright, hay contract 6492	"	957 81
9345	Peerless Manufacturing Company, valves	"	109 80
9349	Wm. Teasdale, carpenter work	"	325 00
9351	Finney & Fetter, white pine	"	404 00
9352	I. H. Dahlman, horse	"	300 00
9353	James Carroll, horse	"	300 00
9357	Winant & Terhune, canal coal	"	180 00
9474	Hunter Keller Manufacturing Company, brass tubing, etc	"	474 50

9475	Holmes, Booth & Hayden, iron wire	"	209 62
9653	H. T. Patterson & Co., hardware	"	130 63
9897	Clapp & Jones Manufacturing Company, account contract 6452, new boilers and repairs	"	1,170 00
9898	Gutta Percha and Rubber Manufacturing Company, full for contract 6432, for hose	"	4,012 50
10213	Jas. W. Colwell, wall	June, 1884	116 00
10214	W. D. Burns, Jr., wood	"	95 00
10215	Ilsley, Doubleday & Co., paints	"	184 05
10216	Ogden & Wallace, iron	"	238 85
10227	Thomas H. Dunham, brushes	"	411 74
10219	Pearce & Jones, fire alarm box parts	"	920 72
10220	The Fire Extinguisher Manufacturing Company, account contract 6462, for hose tender	"	1,725 00
10221	Clapp & Jones Manufacturing Company, account contract 6461, for engines	"	7,065 00
10334	Frost & Wood, chairs	"	225 00
10336	W. F. Dusenbury, phaeton	"	425 00
10337	C. W. Dorn, soap	"	191 07
10339	Clapp & Jones Manufacturing Company, hanging tubes	"	124 00
10340	A. Arctander & Co., carpenter work	"	925 00
10482	James Carroll, horse	"	300 00
10520	John Moonan, feed, full for contract 6408	"	857 38
10521	R. J. Wright, oats, account contract 6492	"	998 23
10522	I. H. Dahlman, horses	"	600 00
10522	I. H. Dahlman, horses	"	600 00
10533	Chas. H. Hance, soap	"	113 75
10543	Lambertville Spoke Manufacturing Company, wheels	"	128 50
10647	Clapp & Jones Manufacturing Company, hubs	"	354 00
10695	E. R. Merrill, springs	"	178 55
10762	Hunter Keller Manufacturing Company, steam cocks	"	176 89
10763	Mrs. M. Handy, badges	"	850 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
10876	Pearce & Jones, zinc	June, 1884	$210 50
10877	I. H. Dahlman, horse	"	300 00
10878	A. Arctander & Co., carpenter work	"	160 00
10880	N. Le Brun & Son, designs, plans, etc	"	727 38
11174	F. W. Morrison, telegraph poles	"	555 00
11359	Frederick H. Shields, plumbing	"	577 50
11360	Washburn & Moen Manufacturing Company, telegraph wire	"	145 19
11549	M. Breen, painting	"	625 00
11598	Clapp & Jones Manufacturing Company, in full for contract 6461	"	9,420 00
11616	The Fire Extinguisher Mfg. Co. account, contract 6462, for leaders	"	1,755 00
11724	Finney & Fetter, timber	July, 1884	485 50
11725	Hunter & Keller Manufacturing Company, iron trace snaps	"	123 88
11728	George Teasdale, tinsmith work	"	200 00
11730	Wm. Pither, oak gratings	"	120 00
11731	I. H. Dahlman, horse	"	300 00
11732	A. Arctander & Co., carpenter work	"	943 00
11977	R. J. Wright, hay, per contract 6492	"	1,170 68
11978	Lawrence McMahon, hay, per contract 6503	"	937 39
11979	Eureka Hose Company, hose	"	500 00
11931	Isaac H. Dahlman, horses	"	600 00
11987	W. J. Lanigan, bedding	"	156 00
11988	Mrs. M. Hardy, badges	"	208 50
11989	Holmes, Booth & Hayden, iron wire	"	157 73
11991	Gutta Percha and Rubber Manufacturing Company, tubing	"	126 36

11992	Winant & Terhune, cannel coal	"	226 00
11994	L. G. O'Brien & Co., painting	"	550 00
12082	Clapp & Jones Manufacturing Company, new boiler, contract 5452	"	1,560 00
12197	Frederick A. Shields, plumbing, "W. F. Havemeyer"	"	135 00
12605	Fire Extinguisher Manufacturing Company, full contract 6462, hose tenders.	"	3,315 00
12606	W A. Ohlsen, sponges	"	277 00
12607	George W Hart, leather	"	205 73
12608	Frost & Wood, blankets	"	148 00
12696	Hunter & Keller Manufacturing Company, hooks	"	181 16
12729	R. J Wright, account, contract 6492, hay	"	759 31
12731	Frederick A. Shields, plumbing	"	477 00
12733	Heipershausen Bros., smokestack, "Havemeyer"	"	170 00
12736	L. H. Dahlman, bay horse	"	300 00
12803	A. Arctander & Co., carpenter work	"	985 00
12864	Early & Lane, brooms	"	135 50
12916	Clapp & Jones Manufacturing Co., full for contract 6468, repairs engine 29.	"	1,300 00
13098	John T. Walsh, ship carpenter work	"	873 00
13099	Winant & Terhune, coal	"	222 80
13103	C. A. Cappa, furnishing music	"	300 00
13105	A. Arctander & Co., carpenter work	"	105 00
13263	A. Arctander & Co., carpenter work	"	729 00
13535	R. J. Wright, hay, contract 6492	"	835 31
13536	Mrs. W. Murray, badges	"	200 00
13593	I. H. Dahlman, horses	"	600 00
13597	Wm. Teasdale, carpenter work	"	310 00
13601	A. Arctander & Co., mason work	"	218 00
13656	Ilsley, Doubleday & Co., vermilion	"	179 86
13657	Early & Lane, brooms	"	135 50
13758	Pearce & Jones, street box number plates	"	134 13
13980	C. H. Delamater & Co., repairs Zophar mills	August, 1884	196 00
13993	Mrs. M. Hardy, repairing badges	"	113 25

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
14006	George Teasdale, tinsmithing	August, 1884	$120 00
14007	Lawrence McMahon, hay, contract 6503	"	904 08
14088	Christopher Hoell, Pompier ladders, contract 6531	"	1,701 75
14158	Clapp & Jones Manufacturing Company, valve springs	"	580 30
14278	I. H. Dahlman, horses	"	600 00
14282	Ilsley, Doubleday & Co., grease	"	505 25
14385	Peerless Manufacturing Company, hose pipes	"	120 00
14460	R. J. Wright, hay, contract 6707	"	377 20
14463	Wm. Pither, gratings	"	240 00
14464	Pearce & Jones, mercury	"	145 53
14467	John McClave, lumber	"	418 20
14468	P. McCann, twill	"	300 00
14471	Western Electric Company, iron wire	"	239 41
14518	Clapp & Jones Manufacturing Company, full contract 6548	"	2,600 00
14833	Robert J. Wright, hay, etc., contract 6707	"	474 92
15024	S. E. Hatfield, plumbing	"	475 00
15025	Sol. Mehrbach, horse	"	300 00
15026	I. H. Dahlman, horses	"	600 00
15027	M. Breen, glazing	"	161 57
15028	A. Arctander & Co., carpenter work	"	435 00
15054	Seaman Johnson, caulking	"	125 00
15204	Frederick A. Shields, plumbing	"	396 00
15226	Winant & Terhune, coal	September, 1884	179 56
15268	I. H. Dahlman, horses	"	600 00

15299	Chas. P. Ketterer, repairing buggy	"	239 90
15796	Gutta Percha and Rubber Manufacturing Company, in full for contract 6433, for hose	"	2,150 00
15849	A. Arctander & Co., carpenter work	"	685 00
15850	A. Arctander & Co., carpenter work	"	323 00
15857	Chas. P. Ketterer, repairing wagon	"	126 55
15898	R. J. Wright, oats, contract 6707	"	1,193 28
15899	Bangor Extension Ladder Company, ladders	"	209 00
15902	I. H. Dahlman, horses	"	900 00
15905	George W. Hartt, leather	"	147 87
15911	Frederick A. Shields, plumbing	"	455 00
15915	George Teasdale tinsmithing	"	140 00
15916	Winant & Terhune, cannel coal	"	125 00
15930	John Peyser, saddlery, hardware	"	169 97
15931	Wm. J. Lanigan, bedding	"	150 00
16001	R. J. Wright, in full for contract 6492	"	873 66
16394	Ahrens Manufacturing Company, hydrant connections	"	121 45
16396	I. H. Dahlman, horse	"	300 00
16397	Chas. W. Dorn, castile soap	"	133 39
16399	Hunter Keller Manufacturing Company, trace snaps	"	301 60
16401	Ilsley, Doubleday & Co., vermilion	"	66 25
16518	John Moonan, hay, per contract 6716	"	1,143 29
16942	Henry E. Bowns, coal account, contract 6409	"	2,551 83
16943	Henry E. Bowns, coal account, contract 6409	"	3,290 66
16944	Henry E. Bowns, coal account, contract 6409	"	1,302 25
16945	Henry E. Bowns, coal account, contract 6409	"	746 66
17490	Robert J. Wright, hay, per contract 6707	"	1,143 42
17491	Henry E. Bowns, coal, per contract 6409	"	1,059 44
17499	W. H. Ohlsen, sponges	October, 1884	219 00
17505	Wm. Teasdale, carpenter work	"	225 00
17507	Western Electric Company, wire	"	133 54

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
17523	Phelps, Dodge & Co., iron	October, 1884	$237 58
17524	P. H. Duffy & Sons, pine	"	108 00
17812	Frederick A. Shields, gasfitting	"	185 50
17817	A. Arctander & Co., carpenter work	"	195 00
18057	Frederick A. Shields, plumbing	"	100 00
18059	Lawrence McMahon, oats, contract 6503	"	575 96
18182	Fred. A. Shields, plumbing	"	175 00
18183	Early & Lane, flag twine, etc	"	280 76
18184	I. H. Dahlman, horses	"	600 00
18185	J. B. & J. M. Cornell, iron circular stairs	"	217 00
18245	R. J. Wright, hay, contract 6707	"	761 58
18538	Winant & Terhune, coal	"	123 80
18540	Ilsley, Doubleday & Co., varnish	"	254 16
18654	George W. Hartt, leather	"	174 64
18203	Pearce & Jones, repairing gong	"	167 31
	Clapp & Jones Manufacturing Company, nozzles	"	332 00
19323	Richard Hecksher, cannel coal	"	230 00
19324	Gutta Percha and Rubber Manufacturing Company, hose	"	90 00
19326	Pearce & Jones, instruments	"	243 50
19800	R. J. Wright, hay, contract 6707	"	690 76
19801	John Moonan, hay, contract 6716	"	975 56
19802	J. H. Drew & Bros., shoring	November, 1884	325 00
20010	Western Electric Company, insulators	"	100 83
20012	A. Arctander & Co., carpenter work	"	310 00

20144	Henry E. Bowns, coal, contract 6409	"	2,189 63
20149	C. W. Dorn, drugs	"	132 53
20150	F. A. Shields, plumbing	"	266 00
20151	M. Feigel & Bro., paints	"	99 79
20154	George Teasdale, tinsmith work	"	161 00
20917	R. J. Wright, hay, contract 6837	"	689 33
20918	P. McCann, mare	"	300 00
20923	H. E. Bowns, cannel coal	"	253 00
21064	R. J. Wright, hay, contract 6837	"	557 78
21320	Wm. H. Dobbs, carpenter work	"	450 00
21427	R. J. Wright, oats, contract 6837	"	532 79
21522	Henry E. Bowns, coal, contract 6409	"	690 04
21560	A. Arctander & Co., carpenter work	"	630 00
21653	Hunter Keller Company, check valves	December, 1884	346 76
21658	C. M. Moseman & Bro., blankets	"	322 25
21660	Sanitary Stall Company, oak gratings	"	120 00
21661	Winant & Terhune, cannel coal	"	386 26
22025	John Powers, manufacturer composition castings	"	270 75
22043	R. J. Wright, forage, contract 6707	"	564 32
22045	R. Thompson, grate bars	"	150 00
22167	A. Arctander & Co., mason work	"	390 00
22168	Wm. J. Lanigan, bedding	"	132 00
22258	Pearce & Jones, combination instrument	"	186 95
258	John Schwabeland, nipples	"	249 53
533	National Stove Company, stoves	"	773 82
539	Gutta Percha and Rubber Manufacturing Company, hose	"	209 61
540	Ilsley, Doubleday & Co., turpentine	"	142 25
690	R. J. Wright, oats, contract 6837	"	546 69
692	H. D. Gates & Co., spring wagon	"	200 00
1030	Henry E. Bowns, coal, contract 6409	"	645 90
1041	P. H. Duffy & Son, wood	January, 1885	215 50

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
1053	Pearce & Jones, annunciator	January, 1885	$305 00
1256	R. J. Wright, oats, contract 6837	"	764 99
1358	John Moonan, hay, contract 6836	"	916 20
1591	David S. Brown & Co., soap	"	120 00
1593	A. Arctander & Co,. mason work	"	226 00
1594	M. Breen, glazing	"	111 72
1598	W. L. Cole, fuel wagon	"	295 00
1600	Harkness Fire Extinguisher Company, Zopfle compound	"	137 48
1705	Mahoney Bros., mason work	"	250 00
1708	Mahoney Bros., laying sewer pipe	"	200 00
1881	Pearce & Jones, repairing gong	"	164 38
1772	New York Insulated Wire and Volcanite Company, wire	"	202 00
1942	R. J. Wright, oats, contract 6837	"	548 22
1943	Fred'k A. Shields, gasfitting	"	389 75
2014	Gutta Percha and Rubber Manufacturing Company, fire hose	"	450 00
2015	John Power, mg'r castings	"	118 14
2017	A. Arctander & Co., carpenter work	"	215 00
2018	Sol. Mehrbach, horse	"	300 00
2019	Winant & Terhune, English cannel coal	"	250 00
2023	I. H. Dahlman, horses	"	900 00
2024	I. H. Dahlman, horses	"	600 00
2025	W. A. Ohlsen, sponges	"	385 50
2061	Hunter Keller Manufacturing Company, pipe	"	145 79
2289	Fred'k A. Shields, plumbing	"	185 00

2200	John F. Walsh, caulking floor	"	145 00
2291	P. McCann, toweling	"	180 00
2600	John Moonan, oats, in full for contract 6716	"	747 15
2601	John P. Jube & Co., fire bolts	"	112 88
2733	A. Arctander & Co., carpenter work	"	150 00
2901	John Moonan, hay, contract 6836	"	917 46
2902	R. J. Wright, oats, contract 6837	"	493 24
3032	John Early & Co., manilla rope	February, 1885	366 27
3033	R. E. Dietz, lanterns	"	122 00
3036	George W. Hartt, harness leather	"	239 75
3037	Ilsley, Doubleday & Co., cotton waste	"	912 87
3135	G. W. Dorn, vitriol	"	235 16
3136	Western Electric Company, wire	"	166 06
3140	Wm. H. Dobbs, carpenter work	"	325 00
3141	C. H. Delamater & Co., repairs "Zophar mills"	"	645 00
3306	Western Electric Company, galvanometer	"	206 25
3307	Goff & Co., repairs furnace	"	106 50
3316	I. H. Dahlman, horses	"	900 00
3318	A. Arctander & Co., carpenter work	"	170 00
3319	A. Arctander & Co., carpenter work	"	775 00
3710	Ilsley, Doubleday & Co., paints	"	558 65
3711	L. Heymyer & Co., brooms	"	104 72
3713	I. H. Dahlman, horses	"	300 00
3727	Marshall, Lefferts & Co., galvanized iron	"	502 96
3804	Winant & Terhune, coal	"	126 06
3988	R. Hecksher, Jr., coal	"	630 00
3991	E. W. McClave & Co., spruce planks	"	390 08
3992	C. M. Moseman & Bro., blankets	"	191 90
3993	P. H. Duffy & Son, pine	"	198 00
3995	I. H. Dahlman, horses	"	600 00
3997	Pearce & Jones, zinc	"	281 40

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
3998	R. Berry, horses	February, 1885	$600 00
3999	Seaman Johnson, caulking	"	187 00
4000	A. Arctander & Co., carpenter work	"	750 00
4730	C. W. Dorn, ground flax seed	"	114 89
4735	Holmes, Booth & Hayden, iron wire	"	180 00
4736	Wm. Teasdale, carpenter work	"	135 00
4925	R. J. Wright, oats, contract 6837	"	344 06
4926	Henry E. Bowns, coal, contract 6049	"	1,840 30
5231	John Schwabeland, steam pipe	"	123 94
5355	M. Breen, glazing	March, 1885	775 00
5360	Quackenbush, Townsend & Co., pulleys	"	229 76
5361	I. H. Dahlman, horses	"	600 00
5364	Ogden & Wallace, iron	"	147 57
5435	R. J. Wright, oats, contract 6968	"	1,017 60
5439	Wm. Crosbie, harness	"	210 00
5440	John Schwabeland, way cocks	"	195 00
5441	Winant & Terhune, coal	"	525 88
5442	Frederick A. Shields, plumbing	"	276 25
5448	Ilsley, Doubleday & Co., paints	"	349 77
5449	George W. Hartt, leather	"	132 84
5739	R. J. Wright, oats, contract 6958	"	505 97
5740	Peerless Manufacturing Company, fire brackets	"	673 64
5742	Lambertville Spoke Manufacturing Company, spokes	"	303 60
5744	Wm. Teasdale, carpenter work	"	490 00

5745	I. H. Dahlman, horse hire	"	114 00
5992	David S. Brown & Co., soap	"	120 00
5993	Ilsley, Doubleday & Co., grease	"	141 71
5995	George Teasdale, tinsmith work	"	200 00
6134	John Peyser, saddlery hardware	"	223 29
6183	R. J. Wright, hay, contract 6968	"	324 00
6184	R. J. Wright, hay, contract 6968	"	389 93
6186	Jas. T. Farrington, tubing	"	109 67
6427	John Moonan, hay, contract 6967	"	915 14
6428	R. J. Wright, oats, contract 6968	"	538 24
6429	Henry E. Bowns, coal, contract 6409	"	959 08
6660	R. Wright, forage, contract 6837	"	577 10
6662	A. Arctander & Co., carpenter work	"	994 00
6663	T. C. Bassher, spray nozzles	"	490 00
6667	R. R. Rouse Manufacturing Company, wrenches	"	107 26
6673	Wm. Crosbie, harness	"	126 00
6677	I. H. Dahlman, bay horse	"	300 00
6903	Seaman Johnson, caulking	April, 1885	115 00
6906	Frederick A. Shields, plumbing	"	512 75
7110	Peerless Manufacturing Company, suction hose	"	356 80
7111	George Teasdale, tinsmith work	"	120 00
7112	A. Arctander & Co., mason work	"	365 00
7397	R. J. Wright, oats, contract 6968	"	384 59
7403	E. W. Clave & Co., lumber	"	192 10
7404	George W. Hartt, leather	"	149 21
7432	George Teasdale, tinsmith work	"	105 00
7433	Wm. Teasdale, carpenter work	"	160.00
7434	John F. Walsh, raising and caulking floor	"	160 00
7435	J. B. & J. M. Cornell, circular stairs	"	215 00
7436	Gutta Percha and Rubber Manufacturing Company, hose	"	850 00
7437	I. H. Dahlman, horses	"	600 00

EXHIBIT 1—MEMORANDUM OF PAYMENTS, ETC.—(*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
7438	Peerless Manufacturing Company, hydrant connections	April, 1885	$309 00
7441	C. M. Moseman & Bro., whips	"	160 00
7477	Sanitary Stal Company, gratings	"	120 00
7479	Pearce & Jones, circuit receiving instrument	"	414 00
7642	John P Jube & Co., bob runners	"	165 98
7644	Joseph F. Farrington, jacks	"	126 58
7645	Clapp & Jones Manufacturing Company, suction valves	"	172 00
7721	Western Electric Company, wire	"	109 85
7760	Joh Moonan, hay, contract 6836	"	1,092 34
7762	utta Percha and Rubber Manufacturing Company, hose	"	850 00
7865	George Hayes, ormers	"	120 00
7867	P. H. Duffy & Sons, wood	"	157 50
7872	A. Arctander & Co., carpenter work	"	353 00
7873	Clapp & Jones Manufacturing Company, hose reel	"	450 00
8086	Robert J. Wright, oats, contract 6988	"	662 58
8087	Winant & Terhune, coal	"	317 25
8088	John Sel wabelan check valves	"	121 20
8089	John Powers, mg'r, copper bends	"	118 00
8093	National Stove Company, heaters	"	126 90
8182	Frost & Wood, furniture	"	125 75
8183	John Early & Co., matches	"	358 10
9238	Henry E. Bowns, coal contract 6409	"	1,809 05
9466	Robert J. Wright, oats, contract 6968	"	521 91
9470	Marshall, Lefferts & Co., galvanized iron	May, 1885	102 90

9471	Lambertville Spoke Manufacturing Company, oak spokes	"	330 00
9475	L. G. O'Brien & Co., painting	"	480 00
9476	Ogden & Wallace, iron	"	136 11
9480	Ilsley, Doubleday & Co., cotton waste	"	714 86
9482	Gutta Percha and Rubber Manufacturing Company, fire hose	"	320 00
9507	John P. Jube & Co., short felloes	"	129 41
9662	William Crosbie, harness	"	252 00
9663	Ilsley, Doubleday & Co., paint	"	155 63
9664	Holmes, Booth & Hayden, iron wire	"	108 00
9665	I. H. Dahlman, gray horse	"	300 00
9674	Robt. J. Wright, oats, contract 6968	"	279 47
9675	John Moonan, hay, contract 6967	"	943 09
9745	Frederick H. Shields, plumbing	"	178 00
9842	John Peyser, harness rings	"	101 95
9933	Pearce & Jones, combination relay	"	293 19
9934	R. E. Dietz, lanterns	"	120 00
10078	George W. Hartt, harness leather	"	222 20
10200	P. McCann, toweling	"	150 00
10258	A. B. & W. T. Westervelt, stable fixtures	"	1,280 00
10260	Frederick A. Shields, plumbing	"	226 50
10338	I. H. Dahlman, horses	"	900 00
10341	Finney & Fetter, oak felloes	"	435 00
10342	E. W. McClave & Co., spruce plank	"	245 78
10605	R. J. Wright, hay	"	432 03
10606	Baumann Bros., carpet	"	104 00
10663	Bangor Extension Ladder Company, ladders	"	897 60
10736	Gutta Percha and Rubber Manufacturing Company, fire hose, full of contract 7008	"	9,500 00
10737	Eureka Fire Hose Company, fire hose, full of contract 7009	"	5,400 00
10738	American Fire Hose Manufacturing Company, fire hose, full of contract 7010	"	3,600 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
10740	Peerless Manufacturing Company, hose	May, 1885	$391 00
10877	John Powers, manufacturer, copper connections	"	136 00
10881	A. Arctander & Co., carpenter work	"	533 00
10980	John F. Walsh, caulking floor	"	190 00
10983	R. J. Wright, oats	"	510 38
10984	Sanitary Stall Company, oak gratings	"	240 00
11076	Winant & Terhune, cannel coal	"	125 00
11079	P. H. Duffy & Sons, wood	June, 1885	159 50
11082	Henry E. Bowns, coal, in full contract 6409	"	2,643 22
11320	D. A. Woodhouse Manufacturing Company, gongs	"	184 00
11387	Brewster & Co., repairing Howell gig	"	165 08
11390	John F. Walsh, caulking	"	150 00
11391	Lambertville Spoke Manufacturing Company, wheels	"	158 00
11393	Seaman Johnson, caulking	"	165 00
11396	Chesbro & Whitman, ladders	"	146 00
11397	I. H. Dahlman, horse	"	300 00
11510	John Travis, life lines	"	350 00
11735	Peerless Manufacturing Company, hydrant connection	"	120 27
11798	Frost & Wood, chairs	"	47 00
11799	Frost & Wood, furniture	"	350 50
11804	I. H. Dahlman, bay horse	"	300 00
11808	George Teasdale, tinsmith work	"	150 00
11809	Winant & Terhune, coal	"	312 50
11811	Frederick A. Shields, plumbing	"	242 50

11941	Henry E. Bowns, coal contract 7005	"	947 79
12171	John Moonan, hay, contract 7051	"	2,200 90
12182	M. Breen, painting	"	590 00
12184	Western Electric Company, wire	"	126 55
12187	Chas. W. Dorn, blue vitriol, etc.	"	100 61
12188	A. Arctander & Co., carpenter work	"	855 00
12189	L. G. O'Brien & Co., painting	"	625 00
12191	Fred'k A. Shields, plumbing	"	286 00
12501	Robt. J. Wright, bran in fall contract, 6968	"	580 71
12889	John F. Walsh, caulking	July, 1885	323 00
12932	A. Arctander & Co., carpenter work	"	275 00
13149	Chesbro & Whitman, repairing ladders	"	117 28
13217	A. Arctander & Co., carpenter work	"	175 00
13229	Bangor Extension Ladder Company, extension ladders	"	810 00
13246	Chas. W. Dorn, soap, etc	"	104 82
13247	I. H. Dahlman, gray horse	"	300 00
13252	Thos. C. Bassher & Co., spray nozzles	"	420 00
13260	Pearce & Jones, steel box parts	"	625 00
13327	John Moonan, oats, contract 6967	"	643 95
13414	John Moonan, hay, contract 7050	"	1,060 11
13415	John Moonan, hay, etc., contract 7051	"	708 91
13416	C. A. Cappa, music	"	300 00
13420	Ilsley, Doubleday & Co., turpentine	"	256 68
13425	Peerless Manufacturing Company, gum rings	"	288 90
13510	Fred'k A. Shields, plumbing	"	261 00
13585	Finney & Fetter, ash planks	"	144 00
13739	George W. Hartt, leather	"	137 54
13751	Frost & Wood, sofa, etc	"	117 75
13809	Ogden & Wallace, iron, etc	"	183 25
13812	Thos. C. Bassher & Co., spray nozzles	"	279 00
13986	Henry E. Bowns, coal, contract 7005	"	1,008 84

EXHIBIT — MEMORANDUM OF PAYMENTS, ETC.—(*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
14093	Pearce & Jones, oak brackets, etc	July, 1885	$147 55
14095	Gutta Percha and Rubber Manufacturing Company, hose	"	132 00
14212	M Breen, painting, etc	"	268 00
14213	I. H. Dahlman, horse	"	300 00
14214	C. H. Hance, laundry soap	"	102 50
14215	Seaman Johnson, caulking	"	150 00
14247	Ilsley, Doubleday & Co., waste	"	164 16
14521	Clapp & Jones Manufacturing Company, full for contract 7059 new boiler.	"	1,300 00
14725	Pearce & Jones, register tapes, etc	"	161 09
14727	A. Arctander & Co., carpenter work	"	245 00
14731	L. G. O'Brien & Co., painting engine house 13	"	625 00
15104	Joseph W. Duryee, spruce planks, etc	August, 1885	342 73
15105	Wm. H. Dobbs, carpenter work	"	375 00
15108	Ilsley, Doubleday & Co., oil, etc	"	117 99
15109	Lambertville Spoke Manufacturing Company, oak spokes	"	210 00
15110	F. V. Morrison, telegraph poles	"	203 13
15117	John Early & Co., brooms, etc	"	129 30
15575	Henry E. Bowns, coal, contract 7005	"	1,358 34
15576	John Moonan, hay, contract 7050	"	849 42
15577	John Moonan, hay, contract 7051	"	2,342 71
15609	A. Arctander & Co., carpenter work	"	674 00
15610	M. Breen, painting	"	495 00
15612	Sylvester Hilton & Co., Barnsley twill, etc	"	112 48
15614	Arthur H. Lowe, agent, horse collars	"	120 00

15780	Clapp & Jones Manufacturing Co., in full contract 7030, steam engine	"	4,100 00
15781	I. H. Dahlman, horses	"	600 00
15782	I. H. Dahlman, horses	"	600 00
15783	Ilsley, Doubleday & Co., vermilion etc	"	726 36
15784	W. L. Cole & Co., fuel wagon	"	295 00
16388	John Moonan, hay, contract 7181	"	780 33
16389	John Moonan, hay, contract 7182	"	378 93
16538	John Lee, docking, etc., Zophar Mills	September, 1885	297 00
16543	P. H. Duffy & Son, Virginia pine	"	180 00
16753	John Moonan, oats, in full contract 6967	"	517 82
17069	Wm. Teasdale, carpenter work	"	400 00
17243	John Moonan, hay, in full contract 7051	"	830 48
18020	Ilsley Doubleday & Co., varnish, etc. (received)	October, 1885	309 55
18021	Western Electric Company, cells, diamond battery, etc	"	123 97
18022	Winant & Terhune, coal	"	187 50
18063	John Moonan account contract 7181, hay	"	979 58
18064	Henry E. Bowns, account contract 7005, coal	"	979 58
18086	John Moonan, account contract 7182, hay	"	620 78
18088	Sanitary Stall Company, oak gratings	"	240 00
18090	Fred'k A. Shields, plumbing	"	113 00
18093	Ogden & Wallace, iron, etc	"	130 06
18095	Pearce & Jones, rubber hooks, etc	"	141 60
18098	Lambertville Spoke Manufacturing Company, hook handles	"	295 90
18099	I. H. Dahlman, horses	"	600 00
18103	I. H. Dahlman, horses	"	600 00
18106	A. Arctander & Co., mason work, etc	"	577 00
18107	A. Arctander & Co., carpenter work, etc	"	583 00
18206	Wm. Crosbie, ladder belts, etc	"	497 75
18521	Fred'k A. Shields, plumbing	"	255 50
18522	Winant & Terhune, coal	"	172 50
18525	I. H. Dahlman, horse	"	300 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
18868	Chas. P. Ketterer, repairs telegraph truck	October, 1885	$100 56
18869	Chas. W. Dorn, drugs, etc	"	127 73
19090	John Moonan, hay, in full contract	"	1,258 47
19132	Clapp & Jones, one-third horse pole	"	125 00
19219	William Teasdale, carpenter work	"	110 00
19225	John Early & Co., matches, etc	"	282 95
19226	J. H. Duffy & Son, wood	"	252 50
19227	Jos. W. Duryee, lumber	"	173 88
19228	John Moonan, account contract 7181, hay, etc	"	1,316 05
19229	John Moonan, account contract 7182, hay, etc	"	734 19
19354	Western Union Telegraph Company, repairing, etc., cable	"	110 25
19788	Henry E. Bowns, coal account contract 7005	"	849 38
19789	W. A. Ohlsen, sponges, etc	"	253 00
19819	George Teasdale, tinsmith work	"	165 00
19820	Frederick A. Shields, plumbing	"	147 00
19821	F. V. Morrison, telegraph poles	"	232 00
19822	Ilsley, Doubleday & Co., vermilion, etc	"	507 84
19823	Bangor Extension Ladder Company, extension ladders	"	552 00
20102	A. Arctander & Co., carpenter work	"	187 00
20608	George W. Hartt, leather, etc	November, 1885	107 43
20806	Charles E. Berry, harness, etc	"	121 01
20812	Harkness Fire Extinguisher Company, fire extinguishers	"	660 00
20813	Hunter Keller Manufacturing Company, valves, etc	"	168 10
20814	Holmes, Booth & Hayden, iron wire	"	144 00

20815	Ilsley, Doubleday & Co., white lead, etc	"	678 86
20818	Marshall, Lefferts & Co., nails	"	305 19
21107	N. J. Smith, silk flags, etc	"	245 00
21186	Peerless Manufacturing Company, hydrant connections	"	199 80
21277	John Moonan, hay, etc., account contract, 7181	"	904 21
21278	John Moonan, hay, etc., account contract, 7182	"	823 74
21279	Clapp & Jones Manufacturing Company, full contract, 7222, for engine	"	3,500 00
21280	Oliver Bryan, repairing furnaces	"	210 00
21593	Gutta Percha and Rubber Manufacturing Company, hose, etc	"	114 70
21595	Peerless Manufacturing Company, hydrant connections	"	198 00
21596	D. A. Woodhouse Manufacturing Company, gongs	"	162 50
21597	Winant & Terhune, coal	"	398 75
21600	Pearce & Jones, gasket, etc	"	164 20
21665	Pearce & Jones, drop electric protector, etc	"	590 71
21840	Chris. Hoell, scaling ladders	"	407 75
21842	Frederick A. Shields, plumbing, etc	"	455 50
21843	I. A. Dahlman, horses	"	600 00
22167	Swan & Finch, machine oil	"	103 70
22168	S. F. Haywood, general agent, upper sections water tower	"	425 00
22169	R. E. Dietz, flint globes	"	216 00
22224	Fire Extinguisher Company, in full for contract, 7230, for water tower	"	4,000 00
22566	John Moonan, account contract, 7232, hay	"	1,665 77
22572	Sanitary Stall Company, oak gratings	"	240 00
22579	E. R. Millerd, soap, etc	"	120 00
22580	C. M. Moseman & Bro., plush rug, etc	"	435 56
22585	S. C. Judd, repairs to wagon	"	136 00
22591	Joseph W. Duryee, lumber	"	110 55
22700	A. Arctander & Co., mason work, etc	"	517 00
22786	C. W. Dorn, drugs, etc	December, 1885	136 49
22789	Scoville Manufacturing Company, buttons	"	121 50
22795	Marshall, Lefferts & Co., copper, etc	"	245 84

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
23115	John Moonan, account contract, 7232, hay	December, 1885	$1,095 67
23118	I. H. Dahlman, horses	"	600 00
23135	National Stove Company, stoves, etc	"	205 56
23444	John Moonan, in full contract, 7181	"	547 79
23445	John Moonan, in full contract, 7182	"	354 36
120	Harkness Fire Extinguisher Company, fire extinguisher	"	125 53
121	Joseph H. Smith, manager, Bangor, Me., ladders, etc	"	254 00
124	I. H. Dahlman, horse	"	300 00
126	Garff & Co., repairing furnaces	"	169 50
130	A. Arctander & Co., carpenter work, etc	"	613 00
234	Clapp & Jones Manufacturing Company, cast-iron hubs	"	.....
384	W. L. Cole & Co., truck	"	315 00
1013	Henry E. Bowns, coal account, contract 7005	"	1,430 74
1094	A. Arctander & Co., carpenter and mason work	January, 1886	522 00
1096	Frederick A. Shields, plumbing	"	150 00
1106	F. H. Duffy & Son, wood	"	192 00
1134	Winant & Terhune, cannel coal	"	260 00
1144	Illsley, Doubleday & Co., oil, etc	"	169 17
1204	John Moonan, account contract 9232, hay	"	923 81
1490	Standard Underground Cable Company, conductor	"	284 48
1491	Travis, Murray & Co., gas fixtures, etc	"	193 00
1606	Sanitary Stall Co., oak gratings	"	120 00
1746	S. T. Hayward, General Eastern agent, hose tender, engine 52	"	800 00
1747	Winant & Terhune, coal, etc	"	611 94

1943	National Stove Company, grates	"	611 92
1944	A. Arctander & Co., carpenter work	"	558 12
1990	George Brown, tin signs	"	100 00
1991	John Moonan, account contract 7232, hay	"	1,724 49
2339	Sylvester, Hilton & Co., loom twill	"	107 35
2342	John Early & Co., baskets, etc	"	276 25
2455	Henry E. Bowns, account contract 7005, coal	"	2,524 34
2456	A. Arctander & Co., mason work	"	163 00
2632	Ilsley, Doubleday & Co., horse brushes, etc	"	196 40
2635	Winant & Terhune, coal	"	139 00
2810	I. H. Dahlman, horse hire	February, 1886	382 00
2814	Hammond Typewriter Company, typewriter	"	112 00
3129	Wm. Teasdale, carpenter work	"	135 00
3133	Holmes, Booth & Hayden, copper wire	"	450 00
3134	I. H. Dahlman, horse	"	300 00
3138	Pearce & Jones, fire alarm boxes, etc	"	626 26
3251	Jos. T. Farrington, iron chains, etc	"	118 95
3252	Gutta Percha & Rubber Manufacturing Company, taper pipes, etc	"	199 70
3258	Seaman, Johnson, Recaulking, etc	"	200 00
3290	C. M. Morseman & Bro., whips, etc	"	366 00
3293	Ilsley, Doubleday & Co., cotton waste, etc	"	434 46
3331	W. H. Dougherty & Co., patterns for grates	"	376 74
3389	Western Electric Company, copper wire, etc	"	240 85
3458	M. Breen, painting	"	635 00
3592	F. A. Shields, plumbing	"	133 00
3593	I. G. O'Brien & Co., painting	"	625 00
3797	I. H. Dahlman, mason	"	600 00
4029	John Moonan, account contract 7232, hay, etc	"	1,168 25
4030	John Moonan, account contract, 7313, oats, etc	"	1,258 47
4031	Ogden & Wallace, iron	"	284 68
4037	Jos. W. Duryee, lumber	"	355 13

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
5108	Chesebro & Whitman, ladders, etc	March, 1886	$113 96
5110	James Carroll, horse	"	300 00
5112	I. H. Dahlman, horse	"	300 00
5115	I. H. Dahlman, horse hire	"	332 00
5121	A. A. French & Coy Net and Twine Co., nets	"	287 50
5124	Joseph W. Duryee, lumber	"	204 32
5137	Winant & Terhune, lumber	"	390 00
5138	John Moonan, account contract 7232, hay, etc	"	256 73
5671	Frost & Wood, chairs, etc	"	192 00
5674	W. A. Ohlsen, sponges	"	171 00
5678	Ilsey, Doubleday & Co., varnish, etc	"	830 79
5680	George W. Hartt, harness leather	"	209 76
5681	Graff & Co., repairing furnaces	"	150 00
5684	Frederick A. Shields, plumbing	"	138 00
5871	John F. Walsh, caulking, etc	"	168 00
5873	Winant & Terhune, coal	"	140 00
6065	E. E Garvin, foot lathe, etc	"	115 00
6068	Seaman Johnson, caulking	"	176 00
6970	Western Electric Co., carbons, etc	"	198 71
6073	P. H. Duffy & Son, wood	"	264 50
6074	A. A. French & Coy Net & Twine Co., nets	"	172 50
6078	C. M. Moseman & Brother, sweat collars	"	102 50
6081	George Teasdale, tinsmith work	"	251 00
6087	John Moonan, account contract 7373, hay, etc	"	1,461 70

6088	I. H. Dahlman, horse	"	300 00
6132	A. Arctander & Co., carpenter work	"	412 00
6133	A. Arctander & Co., carpenter work	"	998 00
6178	Frederick A. Shields, plumbing	"	424 50
6332	A. Arctan ler & Co.. carpenter work	"	654 00
6377	John F. Walsh, caulking Hook and Ladder 9	"	248 00
6379	Holmes, Booth & Hayden, copper wire	"	180 00
6386	I. H. Dahlman, horses	"	900 00
6383	M. Breen, painting	"	660 00
6385	H. B. Thayer, horse	"	250 00
6386	William Teasdale, carpenter work	"	185 00
6388	Sanitary Stall Company, oak gratings	"	240 00
6389	Lambertville Spoke Manufacturing Co., spokes	"	434 40
6468	D. A. Woodhouse Manufacturing Co., gongs, etc	"	171 00
6800	Ilsley, Doubleday & Co., brooms, etc	"	118 00
7114	John Moonan, in fu l for contract 7232, straw	"	825 28
7115	La France Engine Co. in full for contract 7262, for rebuilding engine 16	"	1,300 00
7119	The Goulds Mfg. Co., in full for contract 7350, for steam engine	"	4,100 00
7827	Barry & Keegan, plumbing	April 1886	125 00
7833	Peerless Manufacturing Co., hydrant connections	"	290 00
7834	P. McCann horse	"	250 00
7835	Lambertvi le Spoke Manufacturing Co., spokes	"	405 00
7836	Ilsley, Doubleday & Co., paint	"	233 07
7837	Harkness Fire Extinguisher Co., fire extinguisher	"	248 90
7838	A. A. French & Coy Net and Twine Co., life nets	"	179 50
7839	I. H. Dahlman, horse	"	300 00
7840	James Carroll, horse	"	300 00
7843	John E. Prunty, nozzles	"	140 00
7902	Henry E. Bowns, account contract 7005, coal	"	3,823 79
7903	Tooker Fire Alarm and Improvement Company, keyless doors	"	600 00
7974	Frost & Wood, mirrors, etc	"	137 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant Number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
7981	D. A. Woodhouse Manufacturing Company, nozzles	April, 1886.	$124 00
7986	Seaman Johnson, caulking	"	115 00
7992	Pearce & Jones, keyless doors	"	370 00
8059	John Moonan, account, contract 7313, for hay, etc	"	1,850 84
8142	A. Arctander & Co., carpenter work	"	1,496 00
8145	Tooker Fire Alarm and Improvement Company, royalty, 20 keyless doors.	"	600 00
8238	L. G. O'Brien & Co., painting engine house 31	"	625 00
8574	John Early & Co., matches	"	276 40
8575	H. D. Gates & Co., wagon	"	225 00
8754	Holmes, Booth & Hayden, wire	"	270 00
8755	A. A. French & Coy, Net and Twine Company, life-saving nets	"	168 75
8757	Charles W. Dorn, drugs, etc	"	103 44
8759	John E. Prunty, nozzles	"	140 00
8936	Manning, Maxwell & Moore, double punch and shear	"	261 25
9129	P. H. Duffy & Son, wood	"	175 00
9253	Charles P. Ketterer, repairing wagon	"	102 90
9308	John F. Walsh, caulking	"	220 00
9309	A. Arctander & Co., carpenter work	"	143 00
9374	John Moonan, account, contract 7313, for hay	"	1,274 80
9677	George Teasdale, tinsmith work	"	101 00
9680	Holmes, Booth & Hayden, wire, etc	May, 1886	144 00
9777	National Stove Company, grate bars	"	159 50
9977	Hunter Keller Manufacturiug Company, brass sliding poles	"	540 00
9978	Henry D. Ohlsen, sponges	"	310 00

10117	Frederick A. Shields, plumbing	"	402 00
10169	Abbott Downing & Co., wagon	"	270 00
10173	I. H. Dahlman, horses	"	600 00
10178	A. A. French & Coy Net and Twine Company, nets	"	168 75
10179	Ilsley, Doubleday & Co., cotton waste, etc	"	424 74
10277	Pearce & Jones, repairs	"	162 42
10614	John Moonan, account, contract 7313, hay	"	1,286 66
10617	Ilsley, Doubleday & Co., Atlantic lead, etc.	"	138 50
10618	Ilsley, Doubleday & Co., mats, etc	"	174 38
10619	Hunter Keller Manufacturing Company, brass pipe	"	306 00
10888	George Teasdale, tinsmith work	"	152 00
10897	Ilsley, Doubleday & Co., emery cloth, etc	"	322 90
10900	I. H. Dahlman, horse	"	300 00
10901	Collins & Nuttall, plating engine dome, etc	"	107 25
11022	A. Arctander & Co., carpenter work	June, 1886	826 00
11157	John Moonan, oats	"	888 00
11158	Edward Dowling, mason work	"	150 00
11159	Frederick A. Shields, plumbing	"	326 00
11368	Gutta Percha and Rubber Manufacturing Company, full for contract 7355, fire hose	"	7,200 00
11976	John Moonan, account, contract 7409, hay, etc	"	2,126 53
11977	Standard Underground Cable Company, condenser, etc	"	130 38
11978	Steel Hose Collar Company, steel collars	"	126 00
11979	John Schwabeland, coils of pipe, etc	"	150 40
11979	John Schwabeland, coils of pipe, etc	"	156 40
11992	A A. French & Coy Net and Twine Company, nets	"	168 75
11993	Frost & Wood, chairs, etc	"	160 50
11998	Joseph W. Duryee, spruce, etc	"	207 10
12303	Thomas Kennedy, harness	"	125 00
12305	George W. Hartt, leather	"	243 48
12408	La France Fire Engine Company, full for contract 7348, for two Hayes' extension ladder, trucks, and fire escapes	"	1,400 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
12410	Travis & Murray Manufacturing Company, gas fixtures	June, 1886	$125 00
12429	Standard Underground Cable Company, wire cable	"	966 97
12548	John F. Walsh, caulking, etc	"	178 00
12740	Eureka Hose Company, full for contract 7366, for hose	"	7,200 00
12741	Seaman Johnson, caulking	"	165 00
13245	John Moonan, account contract 7409, hay, etc	"	1,031 02
13580	A. A. French & Coy Net and Twine Company, nets	"	168 35
13585	I. H. Dahlman, horses	"	600 00
13587	Bangor Extension Ladder Company, spruce poles	"	120 00
13589	Smith Manufacturing Company, flags	"	110 00
14203	Fred'k A. Shields, plumbing	July, 1886	275 00
14218	Fire Extinguisher Manufacturing Company, full contract 7373, hook and ladder truck	"	1,500 00
14219	John Moonan, full for contract 7313, straw, etc	"	992 53
14287	John Moonan, account contract 7409, hay, etc	"	1,150 77
14203	A. Arctander & Co., carpenter work	"	645 00
14504	John W. Bassett, building cesspool	"	271 00
14506	Asbestos Felting Works, covering boiler "Zophar mills."	"	267 00
14510	Frost & Wood, chairs, etc	"	123 50
14511	P. H. Duffy & Son, wood	"	168 00
14512	I. H. Dahlman, horse	"	300 00
14518	John E Prunty, rack valves, etc	"	117 30
14520	Peerless Manufacturing Company, hydrant connections	"	231 00
14521	D. A. Woodhouse Manufacturing Company, copper pipes, etc	"	159 00

14604	W. Frank Dusenbury, repairing wagon	"	268 80
14663	Pearce & Jones, locust pine, etc	"	934 00
14740	Heipershausen Bros., full for contract 7378, rep'g boilers, "Zophar mills."	"	3,300 00
14792	A. Arctander & Co., carpenter work, etc., Engine Co., No. 20	"	247 00
14866	Winant Terhune, account contract 7445, for coal	"	2,869 11
15102	John Moonan, account contract 7409, for hay	"	1,490 51
15290	L. G. O'Brien & Co., painting, etc	"	425 00
15430	I. H. Dahlman, horses	Aug. 1886	300 00
15431	W. F. Dusenbury, repairing wagon	"	110 30
15433	A. A. French & Coy Net and Twine Company, twine	"	337 50
15435	Gutta Percha and Rubber Manufacturing Company, taper pipes	"	205 00
15437	C. A. Jones & Co., Manilla, etc	"	116 55
15439	Thos. Kennedy, swinging harness	"	294 00
15444	John E. Prunty, valves	"	175 00
11992	A. A. French & Coy Net and Twine Company, nets	June, 1886	168 75
11993	Frost & Wood, chairs, etc	"	160 50
11998	Joseph W. Duryee, spruce, etc	"	207 10
12303	Thomas Kennedy, harness	"	126 00
12305	George W. Hartt, leather	"	243 48
11408	LaFrance Fire Engine Company, full for contract 7345, for 2 Hayes' extension ladder, trucks and fire escape	"	6,400 00
12410	Travis & Murray Manufacturing Company, gas fixtures	"	125 00
12429	Standard Underground Cable Company, wire cable	"	966 97
12548	John F. Walsh, caulking, etc	"	178 00
12740	Eureka Hose Co., full for contract 7366, for hose	"	6,200 00
12741	Seaman Johnson, caulking	"	165 00
13245	John Moonan, account contract 7409, hay, etc	"	1,031 02
13580	A. A. French & Cox Net and Twine Company, nets	"	168 75
13585	I. H. Dahlman, horses	"	600 00
13587	Bangor Extension Ladder Company, spruce poles	"	120 00
13589	Smith Manufacturing Company, flags	"	110 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
14203	Frederick A. Shields, plumbing	July, 1886	$275 00
14218	Fire Extinguisher Manufacturing Company, full for contract 7373, hook and ladder truck	"	1,500 00
14219	John Moonan, full for contract 7313, straw, etc	"	992 53
14287	John Moonan, account contract 7409, hay, etc	"	1,150 77
14293	A. Arctander & Co., carpenter work	"	645 00
14504	John W. Bassett, building cesspool	"	271 00
14506	Asbestos Felting Works, covering boiler "Zophar mills"	"	267 00
14510	Frost & Wood, chairs, etc	"	123 50
14511	P. H. Duffy & Son, wood	"	168 00
14512	I. H. Dahlman, horse	"	300 00
14518	John E. Prunty, Rack Valves, etc	"	117 30
14520	Peerless Manufacturing Company, hydrant connections	"	231 00
14521	D. A. Woodhouse Manufacturing Company, copper pipes, etc	"	159 00
14604	W. Frank Dusenbery, repairing wagon	"	268 80
14663	Pearce & Jones, locust pine, etc	"	934 09
14740	Heipershausen Bros., full for contract 7378, repairing boiler "Zophar mills"	"	3,300 00
14792	A. Arctander & Co., carpenter work, etc., Engine Co., No. 20	"	247 00
14866	Winant & Terhune, account contract 7445, for coal	"	2,860 11
15102	John Moonan, account contract 7409, for hay	"	1,490 51
15290	L. G. O'Brien & Co., painting, etc	"	425 00
15430	I. H. Dahlman, horse	August, 1886	300 30
15431	W. F. Dusenbery, repairing wagon	"	110 00

15433	A. A. French & Cox Net and Twine Company, nets	"	337 50
15435	Gutta Percha and Rubber Manufacturing Company, taper pipes	"	205 00
15437	C. A. Jones & Co., manilla, etc	"	116 55
15439	Thomas Kennedy, swinging harness	"	294 00
15444	John E. Prunty, valves	"	175 00
15447	George Teasdale, tinsmith work	"	185 00
15448	George Teasdale, tinsmith work	"	107 00
15449	Winant & Terhune, cannel coal	"	162 00
15630	Amos Woodruff's Sons, mason work	"	487 00
15632	Sanitary Stall Company, oak gratings	"	240 00
15635	Pearce & Jones, repairing instruments	"	126 63
15641	Thomas Early & Co., drinking cups, etc	"	241 65
15646	Manchester Locomotive Works, pump shell, etc	"	165 00
15651	H. D. Ohlsen, sponges	"	346 00
15968	John F. Walsh, flag staff, etc	"	270 00
16003	Sylvester Hilton & Co., Barnsley twill	"	150 22
16168	Seaman Johnson, recalking engine company No. 16	"	180 00
16170	Frederick A. Shields, plumbing, etc	"	414 50
16245	A. Arctander & Co., carpenter work	"	994 00
16305	Winant & Terhune, coal	"	268 37
16311	Ilsley, Doubleday & Co., waste, etc	"	347 80
16315	Thomas W. Duryee, lumber	"	105 54
16331	John Moonan, account contract 7409, for hay, etc	"	1,315 71
16393	C. M. Ward, special agent, document boxes	"	392 50
16405	M. Breen, painting	"	580 00
16564	John F. Walsh, erecting flag staff	"	243 00
16864	A. Arctander & Co., carpenter work	"	462 00
16865	A. A. French & Coy, Net and Twine Company, nets	"	168 75
16935	Gleason & Bailey Manufacturing Company (limited), full for contract 7360, hose carriages	"	4,614 00
16968	Peerless Manufacturing Company, fire hose, etc	"	525 00

Warrant number.	MATERIALS AND SUPPLIES.	Voucher	Amount
17108	A. Arctander & Co., carpenter work	August, 1886	$1,129 00
17178	Frederick A. Shields, plumbing, etc	"	340 00
17447	Seaman Johnson, caulking, etc	September, 1886	105 00
17448	Smith & Frost, desk	August, 1886	139 00
17547	Horace Ingersoll, account contract 7536 for forage	September, 1886	909 15
17564	William Teasdale, carpenter work	August, 1886	995 00
17644	Frederick A. Shields, plumbing	September, 1886	101 00
17648	I. H. Dahlman, horses	"	1,200 00
17743	W. H. Dobbs, carpenter work	"	339 00
17744	W. H. Dobbs, carpenter work	"	150 00
17745	J. F. Walsh, caulking, etc	"	165 00
17840	Pearce & Jones, call boxes, etc	"	806 86
17874	Winant & Terhune, account contract 7445, coal	"	1,023 00
17875	A. Arctander & Co., carpenter work	"	1,667 00
17876	Ilsley, Doubleday & Co., emery cloth, etc	"	536 72
17894	Henry E. Bowns, account contract 7005, coal	"	2,151 00
18082	I. H. Dahlman, horse	"	300 00
18085	Chris Hoell, ladders	"	405 00
18089	John Powers, mg'r, connections	"	145 78
18134	Horace Ingersoll, account contract 7536, forage	"	1,198 71
18150	Clapp & Jones Manufacturing Company, in full contract 7406, new boiler	"	1,300 00
18151	Clapp & Jones Manufacturing Company, in full contract 7407, new boiler	"	1,300 00
18152	Clapp & Jones Manufacturing Company, in full contract 7408, steam fire engine	"	1,150 00

18544	Western Electric Company, wire, etc	"	439 81
18545	Standard Underground Cable Company, cable, etc	"	978 82
18550	Holmes, Booth & Hayden, office wire	"	140 83
18672	John Moonan, in full for contract 7409, forage	"	1,395 46
18677	A. A. French & Coy, Net and Twine Company, nets	"	168 75
18679	John Powers, manufacturer portable stand pipes	"	350 00
18680	John Powers, manufacturer portable stand pipes	"	175 00
18764	J. H. Jennings, horse	"	300 00
18835	I. H. Dahlman, horses	October, 1886	900 00
18842	Ilsley, Doubleday & Co., oil, etc	"	120 91
18845	Charles W. Dorn, blue vitriol, etc	"	133 08
18846	P. H. Duffy & Sons, wood	"	214 00
18847	Joseph W. Duryee, lumber	"	263 32
18848	Danne & Armstrong, connecting cellar	"	300 00
18895	Winant & Terhune, account contract 7445, coal	"	2,679 00
18896	Horace Ingersoll, in full for contract 7536, forage	"	733 35
19226	Henry E. Bowns, contract 7005, coal	"	2,275 52
19235	A. Arctander & Co., carpenter work	"	1,176 00
19585	Horace Ingersoll, account contract 7356, hay, etc	"	1,081 02
19586	Charles P. Ketterer, repairing wagon	"	120 45
19588	George Teasdale, tinsmith work	"	199 00
19667	Standard Underground Cable Company, cable, etc	"	396 50
19668	Frederick A. Shields, plumbing	"	288 00
19671	Pearce & Jones, keyless fire box doors	"	370 00
19876	H. D. Ohlsen, sponges, etc	"	243 50
19881	Edwards & Co., ash boxing, etc	"	178 43
19882	Finney & Fetter, lumber	"	511 00
19883	Barry & Keegan, plumbing	"	108 00
19998	Winant & Terhune, account contract 7445, coal	"	567 42
20754	John Powers, manufacturer castings, etc	"	162 50
20866	A. Arctander & Co., carpenter work	"	997 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
20867	John W. Bassett, mason work	October, 1886	$884 00
21509	Pearce & Jones, iron frame, bell, etc	November, 1886	198 11
21518	Francis Wheaton, caulking	"	130 00
21522	Ash & Buckbee, plumbing	"	179 00
21575	Winant & Terhune, coal	"	229 50
21577	Pearce & Jones, rubber tube, etc	"	100 34
21579	Peerless Manufacturing Company, suction hose, etc	"	322 50
21582	Keller Manufacturing Company, sliding poles	"	544 50
21668	Horace Ingersoll, account contract 7536, hay	"	1,299 15
21939	George W. Hartt, leather	"	216 26
21940	Ilsley, Doubleday & Co., vermilion, etc	"	771 23
21944	Tooker Fire Alarm Improvement Company, keyless doors	"	600 00
21984	John Early & Co., matches, etc	"	289 75
22056	Seaman Johnson, caulking, etc	"	100 00
22281	A. Arctander, carpenter work	"	356 00
22659	I. H. Dahlman, horses	"	600 00
22660	Francis X. Diller, music	"	300 00
22662	Barry & Keegan, plumbing	"	220 00
22740	L. G. O'Brien & Co., painting	"	625 00
22797	Frederick A. Shields, plumbing	"	320 00
22800	A. Arctander & Co., carpenter work	"	1,167 00
22926	Eureka Fire Hose Company, in full for contract 7575, hose	"	3,120 00
22927	John Moonan, account, contract 7638, hay	"	931 78
23010	Marshall, Lefferts & Co., tinned copper, etc	"	277 46

23178	Tooker Fire Alarm and Implement Company, keyless doors	"	660 00
23714	Winant & Terhune, account, contract 7445, coal	December, 1886	1,801 56
23778	Sanitary Stall Company, oak gratings	"	360 00
23782	C. M. Moseman & Bro., blankets, etc	"	362 00
23793	Wm. Gibson, lumber, etc	"	210 02
23794	I. H. Dahlman, horses	"	900 00
23798	John W. Bassett, relaying sidewalks	"	304 00
23889	Ash & Buckbee, plumbing	"	103 00
23992	John Moonan, account, contract 7638, for hay	"	1,351 68
24113	Collins & Muttall, nickel plating hose pipes	"	100 50
24115	J. H. Cort, stoves	"	200 08
24122	Gutta Percha and Rubber Manufacturing Company, chemical hose, etc	"	102 00
24123	Heipershausen Bros., repairing floating engine 51	"	66 36
24124	Heipershausen Bros., grate bars	"	127 92
24127	John P. Jube & Co., Whiffletree iron, etc	"	114 80
24130	C. M. Moseman & Bro., blankets, etc	"	497 50
33134	National Stove Company, grates	"	128 98
24135	Ilsley, Doubleday & Co., varnish, etc	"	312 62
24137	Steel Horse Collar Company, collars	"	120 00
24139	Winant & Terhune, coal	"	337 50
24269	E. R. Merrill, steel leaves	"	148 66
24271	A. Arctander & Co., carpenter work, etc	"	805 00
24377	M. Breen, glazing	"	729 12
268	Horace Ingersoll, in full for contract 7536, hay	"	1,796 12
1243	John Moonan, account, contract 7638, for hay	January, 1887	1,245 33
1244	Winant & Terhune, contract 7445, for coal	"	2,124 18
1486	Poillon & Staples, rubbing	"	122 00
1588	A. Arctander & Co., carpenter work	"	387 00
1589	M. Breen, painting, etc	"	795 00
1656	Peerless Manufacturing Company, fire hose, etc	"	102 60
1658	Thomas Kennedy, swinging harness	"	126 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
1660	Ilsley, Doubleday & Co., lead, etc	January, 1887	$377 43
1661	Holmes, Booth & Hayden, iron wire	"	180 00
1662	P. H. Duffy & Sons, wood	"	286 25
1665	M. Feigil & Bro., kerosene, etc	"	186 83
1842	I. H. Dahlman, one gray horse, etc	"	458 00
1843	John W. Bassett, building manure pit	"	240 00
1844	George Teasdale, tinsmith work, etc	"	178 00
2074	James Shewan, in full for contract 7584, repairing, "W. F. Havemeyer"	"	3,984 00
2075	John Moonan, account, contract 7638, for hay	"	1,348 49
2076	Graff & Co., repairing furnaces	"	235 13
2078	L. G. O'Brien, painting, etc	"	943 00
2082	National Stove Company, stove fittings	"	122 64
2085	Ilsley, Doubleday & Co., paint brushes, etc	"	134 93
2086	Brush Illuminating Company, electric lamps	"	105 70
2087	I. H. Dahlman, horses	"	600 00
2088	J. H. Cort, stoves	"	180 10
2750	Frederick A. Shields, plumbing, etc	"	167 00
2754	John W. Bassett, mason work, etc	"	418 00
2755	Ash & Buckbee, plumbing	"	252 00
2794	Frost & Wood, mattrass	"	418 25
2795	Frost & Wood, chairs, etc	"	52 00
2900	Pearce & Jones, account, contract 7670, additional fire alarm telegraph apparatus	"	3,771 00
2902	J. H. Cort, stoves	"	244 92

2904	Holmes, Booth & Hayden, iron-wire	"	540 00
2905	F. T. Higgins, covering boiler, engine 43	"	237 00
2909	Ilsley, Doubleday & Co., cotton waste	"	169 83
2912	Seth Chapman's Son & Co., coal	"	260 06
2967	Sylvester Hilton & Co., loom twill, etc.	"	157 14
3274	Geo. W. Hartt, leather	"	177 33
3279	Thos. Sullivan, straw beds	"	109 00
3280	H. D. Gates & Co., open wagon	"	195 00
3281	La France Fire Engine Company, ladders	"	229 60
3357	New York Steam Company, erecting meter	"	135 70
3362	A. Arctander & Co., carpenter work	"	781 00
3507	Pearce & Jones, copper wire	February, 1887	113 00
3629	Winant & Terhune, account, contract 7445, coal	"	307 27
3630	John Moonan, in full account contract 7638, oats	"	837 72
3789	John F. Walsh, caulking	"	165 00
3978	Trask & Carmichael, steam heating apparatus	"	525 00
4034	A. Arctander & Co., carpenter work, etc	"	1,048 00
4144	John Moonan, hay, etc.	"	269 44
4147	Ilsley, Doubleday & Co., oil, etc	"	763 30
4148	Jas. Barron & Co., baskets, etc.	"	206 75
4152	I. H. Dahlman, horses	"	1,500 00
4342	A. Arctander & Co., carpenter work, etc	"	729 00
4346	Scoville Manufacturing Company, buttons	"	121 50
4350	Winant & Terhune, coal	"	671 21
4351	Pearce & Jones, zincs, etc.	"	295 36
4352	Thos. Kennedy, harness	"	126 00
4626	Jos. T. Farrington, hardware, etc	"	118 60
4628	J. B. & J. M. Cornell, iron circular stairs	"	301 00
4632	Western Electric Company, insulators	"	208 92
4752	A. Arctander & Co., carpenter work	"	789 00
4753	I. H. Dahlman, horse	"	300 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
4754	Joseph W. Duryee, lumber	February, 1886	$401 90
4760	H. D. Ohlsen, sponges, etc	"	352 00
4975	Travis and Murray Company, gas fixtures, etc	"	180 00
4980	Baumann Bros., carpet, etc	"	160 07
4981	Baumann Bros., carpet, etc	"	78 04
4982	Frost & Wood, plate glass	"	188 00
5100	Horace Ingersoll, account, contract 7781, hay	"	941 14
5174	Chris. Hoell, ladders	"	213 00
5175	John W Bassett, mason work, etc	"	216 00
5176	I. H. Dahlman horses	"	600 00
5177	Gutta Percha and Rubber Manufacturing Company, hose, etc	"	137 60
5178	P. H. Duffy & Sons, wood	"	196 50
5202	R. E. Dietz Company, lanterns, etc	"	192 00
5203	Ash & Buckbee, plumbing, etc	March, 1887	111 15
5474	M. Breen, painting, etc	"	565 00
5635	I. H. Dahlman, horse	"	300 00
5745	Horace Ingersoll, account contract 7781, hay	"	1,271 07
5746	L. G. O'Brien, painting	"	125 00
5961	Heipershausen Bros., coal buckets	"	441 00
5965	C. M. Moseman & Bro., whips, etc	"	336 50
5966	W. L. Cole & Co., hose carriage	"	798 00
5967	Swan & Finch, oil	"	144 60
6066	I. H. Dahlman, horses	"	600 00
6067	The B. F. Goodrich Fire Hose	"	450 00

6070	Pearce & Jones, telephone supplies	"	108 35
6184	J. F. Walsh, docking, painting "Zophar mills"	"	185 00
6280	Horace Ingersoll, account contract 7781, hay, etc.	"	1,105 06
6281	John P. Jube & Co., iron dash, etc	"	314 48
6497	John W. Bassett, building extension No. 30	"	876 00
6498	Chas. W. Dorn, soap, etc.	"	118 83
6502	Samuel Hall's Son, belts	"	399 83
6504	Peerless Manufacturing Company, mats, etc	"	240 20
6505	John Peyser, saddlery hardware	"	176 61
6601	M. Breen, painting	"	665 00
6635	Horace Ingersoll, account contract 7781, hay	"	1,155 30
6636	A. Arctander & Co., carpenter work	"	794 00
6713	Winant & Terhune, coal	"	573 30
6860	Malcolm Hunter, jumping nets	"	350 00
6861	Keller Manufacturing Company, sliding poles	"	257 60
6862	Ilsley, Doubleday & Co., oil, etc	"	267 51
6865	Winant & Terhune, coal	"	177 00
6866	Baumann Bros., oak desks, etc.	"	353 75
7016	Wetmore & Co., iron, etc	"	332 46
7017	Winant & Terhune, coke, etc	"	179 40
7023	Gutta Percha and Rubber Manufacturing Company, taper pipes	"	180 00
7025	Samuel Hall's Son, carriage bolts	"	105 63
7027	Winant & Terhune, account contract 7445, coal	"	1,771 92
7028	Winant & Terhune, account contract 7445, coal	"	200 30
7251	John Wood, fitting up gymnasium at headquarters	"	500 00
7252	L. G. O'Brien, painting, etc	"	300 00
7338	Barry & Keegan, plumbing	"	181 45
7662	A. Arctander & Co., carpenter work	"	360 00
7998	Keller Manufacturing Company, brass sliding poles	April, 1887	218 40
8100	Sanitary Stall Company, oak gratings	"	240 00
8102	I. H. Dahlman, horses	"	1,500 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
8114	Brush Electric Illuminating Company, electric lamps	April, 1887	$102 20
8179	Keller Manufacturing Company, sliding poles	"	233 80
8180	John W. Bassett, mason work	"	451 00
8233	Luzerne Coal Company, coal	"	271 00
8306	Winant & Terhune, coal	"	485 33
8317	Prunty Manufacturing Company, nozzles	"	150 00
8324	G. T. & C. E. Brown & Co., window shades	"	527 65
8407	Horace Ingersoll, account contract 7881, for bran, etc	"	920 20
8411	Manchester Locomotive Works, pump shell	"	125 00
8414	E. G. Hilton, nozzles	"	180 00
8418	Pearce & Jones, account, contract 7670, additional fire alarm telegraph apparatus	"	4,713 75
8419	Winant & Terhune, account, contract 7445, coal	"	548 52
8420	Winant & Terhune, account, contract 7445, coal	"	910 55
8434	Eureka Hose Company, hose	"	450 00
8536	Francis Wheaton, caulking floor	"	125 00
8537	George Teasdale, tinsmith work	"	170 00
8567	Gutta Percha and Rubber Manufacturing Company, hose, etc	"	456 25
8664	Ash & Buckbee, plumbing	"	499 71
8670	Baumann Bros., chairs, etc	"	129 80
8899	Malcolm Hunter, making net	"	150 00
8901	Jos. W. Duryee, lumber	"	255 43
8902	Brewster & Co., wagon	"	465 00
9203	A. Arctander & Co., carpenter work	"	874 00

9407	A. Arctander & Co., carpenter work	"	1,718 00
9408	A. Arctander & Co., carpenter work	"	869 00
9409	Allen & Co., practice balconies at headquarters	"	750 00
9550	M. Breen, painting, etc	"	485 00
9616	John W. Bassett, mason work, etc	"	224 00
9756	Baumann Bros., chairs, etc	"	392 00
9791	L. G. O'Brien & Co., painting, etc	May, 1887	1,120 00
9792	L. G. O'Brien & Co., extra work	"	85 00
10027	John Moonan, account, contract 7841, hay	"	1,157 59
10030	Luzerne Coal Company, coal	"	212 81
10031	Ilsley, Doubleday & Co., oils, etc	"	184 90
10037	H. D. Ohlsen, sponges, etc	"	352 00
10038	Steel Horse Collar Company, steel collars	"	120 00
10207	Holmes, Booth & Hayden, iron wire	"	432 00
10208	Geo. W. Hartt, harness leather	"	137 40
10210	Jas. S. Barron & Co., baskets, etc	"	183 00
10211	P. H. Duffy & Sons, Virginia pine	"	193 00
10212	John Early & Co., baskets, etc	"	138 05
10213	M. Feigil & Bro., acid, etc	"	291 98
10214	Sylvester Hilton & Co., towels, etc	"	167 52
10215	Malcolm Hunter, jump nets	"	150 00
10216	Jos. W. Duryee, yellow pine	"	182 83
10287	Western Electric Company, spikes, etc	"	146 44
10291	Chas. W. Dorn, drugs, etc	"	142 05
10393	Horace W. Ingersoll, account, contract 7881, hay	"	912 35
10394	Ash & Buckbee, gasfitting	"	112 02
10427	Gutta Percha and Rubber Manufacturing Company, fire buckets	"	231 90
10476	Winant & Terhune, account, contract 7445, coal	"	295 02
10511	Peerless Manufacturing Company, hydrant connections	"	198 00
10517	Gutta Percha and Rubber Manufacturing Company, taper pipes	"	180 00
10520	Brush Electric Illuminating Company, lamps, etc	"	495 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.—(*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
10583	H. T. Patterson & Co., hardware, etc	May, 1887	$115 43
10584	M. Breen, glazing	"	185 66
10585	Barry & Keegan, plumbing at headquarters	"	366 23
10587	Gleason & Bailey Manufacturing Company, four-wheeled leader	"	755 00
10588	W. Frank Dusenbury, repairing wagon	"	140 80
10590	Ilsley, Doubleday & Co., horse brushes, etc	"	541 95
10592	Jos. W. Duryee, lumber	"	205 00
10596	Pleasants & Woodworth, chemicals	"	102 42
10657	L. G. O'Brien & Co., awnings	"	261 00
10666	Patrick Murphy, coal cans	"	378 00
10792	Frost & Wood, repairing desk	"	116 60
10930	Baumann Bros., carpet, etc	"	413 92
10931	John Neal's Son, altering location of radiators	"	216 47
11066	John Moonan, account contract 7841, forage	"	957 04
11067	L. G. O'Brien & Co., painting	"	367 00
11069	Swan & Finch, oil	"	110 80
11071	Marshall, Lefferts & Co., tinned copper, etc	"	355 12
11401	John W. Bassett, repairing mason work	"	145 00
11574	Gutta Percha and Rubber Manufacturing Co., full for contract 7789, hose	"	15,000 00
11575	Clapp & Jones Manufacturing Company, full for contract 7790, engine	"	4,350 00
11576	La France Engine Company, full for contract 7856, engine	"	4,000 00
11577	James Jones, full for contract 7829, finishing and laying head telegraph cable, etc	"	6,412 50
11731	I. H. Dahlman, horses	"	900 00

12239	B. Schmidt & Co., oak partition, etc	"	550 00
12240	B. Schmidt & Co., office for chiefs, etc	"	640 00
12250	A. Arctander & Co., carpenter work	"	693 00
12291	Frost & Wood, desk stools	"	160 00
12389	John Moonan, account contract 7841	June, 1887	1,599 39
12535	Winant & Terhune, account contract 7445, coal	"	1,449 65
12611	French & Terhune, coal	"	250 00
12612	James Shewan, repairing, "W. F. Havemeyer"	"	1,463 99
12614	Holmes, Booth & Hayden, iron wire	"	360 00
12742	George W. Winant & Son, coal	"	405 00
12745	Pearce & Jones, box bells, etc	"	229 96
12942	I. H. Dahlman, horses	"	900 00
12943	P. H. Duffy & Son, wood	"	198 50
13227	Barry & Keegan, plumbing, etc	"	141 10
13607	L. G. O'Brien & Co., painting	"	320 00
13734	Allen & Co., iron safety railing	"	125 00
13735	Barry & Keegan, plumbing	"	515 30
13736	I. H. Dahlman, horse	"	300 00
14055	Holmes, Booth & Hayden, iron wire	"	205 20
14057	Pond, West & Simons, life line guns	"	360 00
14170	G. F. & C. E. Brown & Co., spring shades, etc	"	16 50
14171	G. F. & C. E. Brown & Co., curtains, etc	"	197 03
14172	Ash & Buckbee, plumbing, etc	"	543 16
14174	John Moonan, account contract 7841, forage	"	1,182 79
14235	A. Arctander & Co., carpenter work	"	801 00
14277	Wm. Terhune, coal	"	375 00
14438	Henry Kessler, making cabinet	July, 1887	165 00
14587	Pearce & Jones, mail boxes	"	160 00
14588	Clapp & Jones Manufacturing Company, hose	"	450 00
14590	M. Feifel & Bro., paint, etc	"	154 02
14650	Peerless Manufacturing Company, account, final payment 7840, fire hose	"	5,750 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.—(*Continued*).

Warrant Number	MATERIALS AND SUPPLIES.	Voucher	Amount
14825	Geo. W. Winant & Son, coal	July, 1887	$594 00
14830	Chas. P. Ketterer, repairing buggy	"	120 65
14908	Collins & Nuttall, valves, etc., replated	"	117 25
14990	Holmes, Booth and Hayden, iron wire	"	315 00
15030	C. A. Jones & Co., cord, etc	"	115 87
15031	Malcolm Hunter, drop nets	"	300 00
15034	Thos. F. Crimmins, grading, etc	"	256 00
15115	Ash & Buckbee, plumbing	"	111 14
15116	A. Arctander & Co., carpenter work, etc	"	213 00
15173	John Moonan, account, contract 7841, for hay	"	1,126 44
15177	Patrick Murphy, coal cans	"	315 00
15368	John Powers, mg'r, subcellar pipes	"	705 00
15426	G. F. & C. E. Brown & Co. shades, etc	"	124 35
15433	Chris Hoell, scaling ladders	"	217 00
15436	F. V. Morrison, telegraph poles	"	432 50
15440	Pearce & Jones, battery zinc, etc	"	948 74
15442	Henry D. Ohlsen, sponges, etc	"	352 00
15443	Sanitary Stall Company, oak gratings	"	240 00
15582	Walter Avery, cooper receptacles	"	210 00
15852	C. H. Delamater & Co., labor and materials	"	440 00
16006	**La France Engine Company, in full for contract 7855, H. & L. truck**	"	3,400 00
16007	**Winant & Terhune, in full, for contract 7445, coal**	"	2,051 01
16373	**Baumann Bros., desks**	"	500 00
16379	**Peerless Manufacturing Company, in full, for contract 7840, hose**	"	10,000 00

16437	Horace Ingersoll, in full, for contract 7781, hay	"	974 25
16813	Pearce & Jones, account, contract 7670, additional fire alarm apparatus	"	3,771 00
16828	Swan & Finch, oil	August, 1887	101 50
16801	Peerless Manufacturing Company, repairing hydrant connections	"	102 40
16907	Sylvester Hilton & Co., twill	"	148 16
16908	Steel Horsecollar Company, collars	"	130 00
16926	George W. Hartt, leather, etc	"	136 81
16928	John Early & Co., mops, etc	"	115 25
16932	Jas. S. Barron & Co., matches, etc	"	160 97
16978	French & Terhune, account, contract 8054, coal	"	4,722 20
16979	John Moonan, account, contract 8165, hay	"	1,538 62
17071	Joseph W. Duryee, lumber	"	217 19
17073	I. H. Dahlman, horses	"	1,200 00
17195	Wm. Terhune, coal, etc	"	715 49
17196	Ash & Buckbee, plumbing, etc	"	175 11
17452	Pearce & Jones, relay shade	"	215 00
17456	E. R. Merrill, main leaf in spring	"	275 86
17458	Jos. T. Farrington, hardware, etc	"	105 89
17460	Ilsley, Doubleday & Co., lard, oil, etc	"	930 28
17495	John Moonan, account, contract 8165, forage, etc	"	1,325 63
17500	Clapp & Jones, Manufacturing Company, cylinder engine 30	"	161 00
17682	John Moonan, account, contract 7841, for hay	"	851 75
17765	Wm. Terhune, coal	"	823 94
17766	I. H. Dahlman, horse	"	300 00
17768	Holmes, Booth & Hayden, iron wire, etc	"	517 50
18167	B. Schmidt & Co., closets	September, 1887	175 00
18182	Gas Consumer's Benefit Company, Jackson gas-burners	"	732 50
18234	John Moonan, account, contract 8165, for hay, etc	"	1,921 16
18235	Pleasants & Woodworth, blue vitriol, etc	"	195 03
18371	E. Howard, Watch and Clock Company, repairing clocks	"	102 00
18372	Barry & Keegan, plumbing	"	136 90

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
18433	John W. Bassett, relaying sidewalks	September, 1887	$402 00
18436	P. H. Duffy & Sons, wood	"	219 00
18441	Pearce & Jones, battery zincs	"	163 50
18714	A. J. Campbell, removing vault door	"	1,073 00
19095	Steel Horse Collar Company, horse collars	"	102 00
19099	Clapp & Jones, Manufacturing Company, copper tubes	"	126 00
19101	Joseph W. Duryee, spruce, planks, etc.	"	173 75
19103	Lambertville Spoke Manufacturing Company, wheels	"	183 00
19198	Pearce & Jones, speaking tubes	"	323 88
19451	Ash & Buckbee, plumbing	"	208 40
19537	John Moonan, account, contract 8165, forage	October, 1887	1,648 12
19561	Ash & Buckbee, plumbing	"	170 96
19949	Chas. P. Ketterer, repairing buggy	"	150 00
19950	Gutta Percha and Rubber Manufacturing Company, suction hose, etc.	"	207 14
19952	A. G. Day, cable	"	442 40
19989	Pleasants & Woodworth, oil vitriol	"	106 49
29116	John W. Basset. repairing mason work	"	270 00
20117	John F. Crotty, plumbing	"	173 00
29120	John F. Walsh, Jr., docking "Zophar mills"	"	185 00
20121	Ash & Buckbee, plumbing	"	110 00
20269	Lambertville Spoke Manufacturing Company, spokes	"	185 00
30275	H. D. Ohlsen, sponges	"	352 00
10277	Geo. W. Hartt, leather	"	105 89
20280	R. E. Dietz, lanterns	"	180 00

20282	I. H. Dahlman, horses	"	600 00
20286	Steel Horse Collar Company, collars	"	144 00
20287	Sylvester Hilton & Co., loom twill, etc	"	110 53
20435	John Moonan, account, contract 8165, hay	"	1,212 21
20439	M. Breen, painting	"	760 00
20708	Thomas Kennedy, harness	"	270 00
20710	Finney & Fetter, oak felloes	"	107 50
20711	Clapp & Jones Manufacturing Company, valves, etc	"	105 00
20790	Pearce & Jones Manufacturing Company, combination relay shades	"	478 79
20936	Pearce & Jones, Manufacturing Company, in full for contract 7670, additional fire apparatus	"	8,694 25
21175	Wm. Terhune, account contract 8054	"	1,881 79
21178	Wm. Terhune, account contract 8054	"	2,052 44
21327	Ilsley, Doubleday & Co., cotton waste	"	643 82
21329	John Early & Co., paper, etc	"	151 74
21330	Chas. W. Dorn, alcohol, etc	"	178 24
21520	John Moonan, account contract 8299, forage	"	965 53
21521	John Moonan, account contract, 8265, forage	"	370 49
21522	A. Arctander & Co., carpenter work	"	1,338 00
21630	S. F. Hayward & Co., upper section water tower	"	398 00
22741	Sanitary Stall Company, oil, gratings	November 1889.	240 00
22745	M. Feigel & Bro., gasoline, etc	"	126 41
22747	Wm. Terhune, cannel coal	"	679 93
23488	John Moonan, account contract 8299, for forage	"	1,025 22
23681	A. Arctander & Co., carpenter work	"	428 00
23782	Wm. Terhune, coal	"	236 18
23830	John Powers, m'gr, castings, etc	"	304 70
23887	Francis H. Diller, music (November 12, 1887.)	"	300 00
23888	Collins & Nuttall, nickel plating bell	"	119 00
23889	Tooker Fire Alarm and Implement company, royalty keyless doors	"	600 00
23890	Pearce & Jones, keyless doors	"	370 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
23891	Standard Underground Cable Company, wire cable, etc	November, 1887	$247 50
24128	L. G. O'Brien & Co., printing, etc	"	765 00
24523	Barry & Keegan, plumbing, etc	"	558 00
24690	P. H. Duffy & Sons, wood	"	206 00
24818	John Moonan, in full for contract 8165, forage	"	938 67
25063	John Moonan, account contract 8299	December, 1887	3,041 40
25108	William Terhune, account contract 8054, coal	"	1,734 54
25288	Heipershausen Bros., repairing boiler	"	325 00
25290	J. H. Drew & Bro., shoring walls, etc	"	225 00
25291	A. Arctander & Co., carpenter work, 1888	"	509 00
155	Holmes, Booth & Hayden, iron wire	"	249 70
158	C. H. Delamater & Co, crank pin, braces, etc	"	125 77
162	Pearce & Jones, battery zinc, etc	"	150 90
895	John Moonan, account contract 8299 for forage	January, 1888	646 41
896	Joseph Lutz, emptying sink	December, 1887	150 00
897	J. H. Cort, stoves, etc	"	319 61
1122	M. Breen, glazing	January, 1888	846 76
1322	John Moonan, account contract, 8299, for forage	"	1,428 89
1323	A. Arctander & Co., carpenter work	"	694 00
1750	P. H. Duffy & Son, wood, etc	"	190 00
1751	J. H. Cort, stoves	"	248 77
1753	Samuel G. French, Agt., coal	"	286 34
1755	La France Fire Engine Company, ladders, etc	"	360 00
1956	Van Cott & Terhune, coal	"	148 57

1957	James Duffy, building vaults, etc.	"	157 00
1957	Gleason & Bailly Manufacturing Company, in full for contract 8264, hose tenders	"	4,315 00
1959	L. G. O'Brien & Co., taking down, etc., awnings	"	820 00
1960	John Powers, mg'r, repairing copper pipe	"	211 66
2045	Ash & Buckbee plumbing	"	236 00
2048	H. D., Ohlsen, sponges	"	433 50
2097	Ilsley Doubleday & Co., cotton waste, etc	"	204 55
2098	Samuel G. French, agent, coal	"	64[illegible] 66
2122	Sylvester Hilton & Co., loom twill, etc	"	112 84
2302	A. Arctander & Co., carpenter work	"	893 00
2450	John Moonan, account contract 8199, forage	"	1,076 12
2473	Barry & Keegan, plumbing	"	68 90
2474	Ash & Buckbee, plumbing	"	204 77
2475	Barry & Keegan, plumbing, 155 Mercer street	"	100 00
2661	Pearce & Jones, alterations to keyless fire-box doors	"	302 63
3210	Wm. Terhune, account contract 8054, coal	February, 1888	2,686 98
3291	Golds Heater Manufacturing Company, repairing heating apparatus to hook and ladder No. 3	"	145 00
3317	John F. Walsh, Jr., caulking, 155 Mercer street	"	135 00
3319	Thomas Higgins, caulking at No. 15	"	170 00
3437	Barry & Keegan, plumbing	"	160 34
3500	C. M. Moseman & Bro., blankets, etc	"	361 00
3502	John Early & Co., oak buckets, etc	"	125 50
3504	I. H. Dahlman, horses	"	1,500 00
3505	Joseph W. Duryee, lumber	"	247 88
3508	James S. Barron & Co., brooms, etc	"	205 08
3509	A. Arctander & Co., plumbing, etc	"	851 00
3527	Seaman Johnson, caulking at No. 5	"	155 00
3529	Holmes, Booth & Hayden, iron wire	"	810 00
3531	John W. Bassett, repairing mason work	"	235 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
3532	Patrick Murphy, coal cans	February, 1888	$378 00
3765	John W. Fassett, rebuilding furnace	"	253 00
3822	Samuel G. French, agent, coal	"	506 45
3823	Pocasset Coal Company, coal	"	312 50
3854	George W. Hartt, leather	"	134 80
3857	Sanitary Stall Company, oak gratings	"	240 00
3879	John Moonan, account contract 8299, forage	"	1,113 00
4081	Pleasants & Woodworth, alcohol, etc	"	238 90
4084	I. H. Dahlman, horse	"	300 00
4087	Holmes, Booth & Hayden, iron wire	"	300 00
4089	Ilsley, Doubleday & Co., oil, etc	"	494 95
4155	John Schwabeland, globe valves	"	140 40
4156	John Liscomb, bay horse	"	300 00
4157	Philip Duffey, black mare	"	375 00
4647	John Moonan, account contract 8464, forage	"	1,869 43
4648	Wm. Terhune, account contract 8054, coal	"	1,204 80
4649	John Powers, mg'r, subcellar pipes	"	180 00
4650	P. H. Duffy & Sons, wood	"	189 25
4651	D. A. Woodhouse Manufacturing Co., cellar pipes	"	245 00
5197	M. Breen, painting	"	550 00
5196	John F. Crotty, plumbing	"	164 00
5200	Malcolm Hunter, rope ladder	"	302 00
5201	George W. Hartt, leather	"	299 25
5202	I. H. Dahlman, horses	"	600 00

5204	George Teasdale, tinsmith work	"	260 00
5248	C. M. Moseman & Brother, whips, etc	"	251 00
5251	Prunty Manufacturing Co., spray nozzles	"	150 00
5252	Peerless Manufacturing Co., hose, etc	"	919 00
5793	Pearce & Jones, repairing speaking tubes	March, 1888	226 03
5794	M. J. Hardy, badges	"	108 50
5951	John Moonan, in full for contract 8299, forage	"	1,502 78
5952	Carll Smith & Son, removing manure, January 1 to February 24, 1888	"	203 33
5956	Joseph T. Farrington, pulleys, etc	"	137 40
5957	Samuel G. French, agent, coal	"	830 80
5997	Pierce & Jones, battery zincs	"	278 50
6002	Eureka Fire Hose Co., hose, etc	"	900 00
6003	M. Breen, painting, etc	"	666 00
6004	Barry & Keegan, plumbing, etc	"	164 25
6061	Holmes, Booth & Hayden, iron wire, etc	"	401 05
6146	C. M. Moseman & Brother, whips	"	287 00
6147	I. H. Dahlman, horses	"	900 00
6148	I. H. Dahlman, horses	"	900 00
6315	Thomas Kennedy, harness	"	126 00
6397	John Moonan, account contract 8464, for forage	"	2,691 71
6687	A. Arctander & Co., carpenter work	"	1,428 00
6978	L. G. O'Brien & Co., painting, etc	"	725 00
7128	John Schwabeland, globe valves, etc	"	145 60
7271	Samuel G. French, agent, coal	April, 1888	442 19
7274	George W. Hartt, harness leather	"	139 08
7275	Mrs. Christ Hoell, scaling ladders	"	345 00
7315	A. Arctander & Co., carpenter work, etc	"	856 00
7428	John Moonan, account contract 8464, forage	"	1,599 67
7649	Holmes, Booth & Hayden, iron wire	"	300 00
7653	A. G. Day, conductor, cable, etc	"	246 95
7654	P. H. Duffy & Sons, wood	"	236 75

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
7652	Joseph W. Duryee, spruce, etc	April, 1888	$168 02
7655	I. H. Dahlman, horses	"	900 00
7663	Sylvester Hilton & Co., towels, etc	"	133 04
7703	Patrick Murphy, coal cans	"	483 00
7704	Patrick Murphy, hose hangers	"	75 00
8005	Brush Electric Illuminating Co., electric lamps	"	186 90
8006	I. H. Dahlman, horse hire	"	1,068 00
8048	Trask & Carmichael, steamfitting	"	650 00
8089	Van Tassell & Kearney, use of sleighs	"	940 00
8100	Ellis N. Crow, use of sleighs	"	141 00
8226	A. Arctander & Co., carpenter work	"	495 00
8227	Ash & Buckbee, plumbing, etc	"	365 39
8729	J. Mittnacht, hire of horse	"	142 20
9012	John Moonan, account contract 8464, forage	May, 1888	2,177 18
9013	William Terhune, account contract 8054, coal	"	2,526 02
9224	John F. Walsh, Jr., caulking floor	"	148 00
9744	Malcolm Hunter, repairing life saving nets	"	194 00
9745	James W. Renwick, gig phæton	"	375 00
9747	I. H. Dahlman, horses	"	1,800 00
9855	John Moonan, account contract 8464, forage	"	1,072 55
9861	Ogden & Wallace, iron, etc	"	449 64
9863	Henry D Ohlsen, sponges	"	277 00
9864	Prunty Manufacturing Company, spray nozzles	"	801 00
9865	John Peyser, saddlery hardware	"	130 08

9866	Elyford E. Smith, shaft couplings, etc	"	185 04
9870	Ilsley, Doubleday & Co., paints, etc	"	700 25
9871	Ilsley, Doubleday & Co., cotton waste, etc	"	884 78
9873	C. M. Moseman & Bro., harness, etc	"	109 50
9874	National Stove Company, grates, etc	"	105 50
9875	Holmes, Booth & Hayden, iron wire	"	600 00
9880	Pierce & Jones, register pipes	"	132 02
9881	D. A. Woodhouse Manufacturing Company, Paragon heater	"	150 00
9899	Wm. Terhune, account contract 8054, coal	"	1,118 80
9926	Pearce & Jones, repairing gong	"	210 18
9927	Barry & Keegan, plumbing	"	103 00
9941	Ash & Buckbee, plumbing, etc	"	285 00
9943	Pleasants & Woodworth, blue vitriol	"	132 60
9948	John Early & Co., oak buckets, etc	"	187 37
9949	Jos. T. Farrington, chain, bolt, etc	"	356 88
9950	M. Feigel & Bro., kerosene, etc	"	2,444 90
9951	Ahrens Maunfacturing Company, set of foil for engine	"	250 00
9998	Samuel G French, agent, coal	"	442 33
10000	P. H. Duffy & Sons, wood	"	222 00
10001	I. H. Dahlman, horse	"	300 00
10002	Jas. S. Barron & Co, oak bucket	"	154 00
10060	R. E. Dietz Company, lanterns	"	135 50
10064	Jos. W. Duryee, yellow pine	"	140 70
10065	Silsby Manufacturing Company, water cylinder	"	225 00
10106	A. Arctander & Co., carpenter work	"	1,102 00
10107	John F. Walsh, Jr., caulking, etc	"	165 00
10619	John Moonan account contract 8464, forage	"	1,369 82
10702	Pearce & Jones, repairing combination instruments	"	258 37
10756	Brush Electric Illuminating Company, lamps, etc	"	318 00
10757	Isaac H. Dahlman horses	"	900 00
10930	John W. Bassett, repairing storehouse	"	595 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
11141	Eureka Fire Hose Company, full of contract 8574, hose	May, 1888	$18,000 00
11318	Malcolm Hunter, rope ladders	June, 1888	175 00
11321	I. H. Dahlman, horses	"	600 00
11469	Holmes, Booth & Hayden, iron wire	"	600 00
11472	John Powers, mg'r, copper pipes	"	236 25
11490	W. L. Cole & Co., phaeton	"	290 00
11537	John Schwabeland, steampipe, etc	"	261 46
11539	John Powers, mg'r, iron castings	"	190 95
11542	Peerless Rubber Manufacturing Company, steel-clad hydrant connections	"	625 00
11546	Bauman Bros., oak case, etc	"	131 00
11547	Bangor Extension Ladder Company., ladders	"	264 00
11548	John Moonan, account contract 8061, hay, etc	"	1,679 11
11549	John Neal's Sons, steamfittings, etc	"	329 26
11670	M. J. McDermott, plumbing	"	465 00
11757	M. Donohue, life line copper pans	"	144 00
11766	Samuel G. French, Agent, coal	"	229 97
11841	Chas. P. Ketterer, repairing wagon	"	212 55
11846	Ash & Buckbee, plumbing	"	293 54
11863	Samuel G. French, account contract 8662, coal	"	3,292 25
11866	I. H. Dahlman, horse	"	350 00
11868	Sanitary Stall Company, oak gratings	"	200 00
12043	John Moonan, account contract 8661, hay, etc.	"	1,321 45
13208	Fabric Hose Company, in full for contract 8593, hose	"	9,800 00
12451	John Moonan, in full for contract 8464, forage	"	1,285 24

12605	A. Arctander & Co., carpenter work	"	491 00
12606	Barry & Keegan, plumbing	"	200 00
13188	Samuel G. French, account contract 8662, coal	July, 1888	3,115 16
13189	John Moonan, account contract 8061, hay	"	1,249 00
13411	Samuel G. French, coal	"	122 98
13412	I. H. Dahlman, horse	"	300 00
13413	P H. Duffy & Sons, Virginia pine	"	217 50
13418	John Schwabeland, gauze glasses	"	102 48
13420	Peerless Rubber Manufacturing Company, steel-clad suction	"	120 00
13422	E. R. Merrill, springs, etc	"	144 17
13448	M. Breen, painting, etc	"	725 00
13449	La France Engine Company, ladders	"	552 00
13453	Andrews Manufacturing Company, desks, etc	"	288 75
13528	M. Donohue, castings	"	516 00
13736	Seaman Johnson, caulking floor	"	190 00
13878	John Moonan, account contract 8661, forage	"	1,371 76
13879	Samuel G. French, account contract 8662, coal	"	1,501 37
14121	A. B. & W. T. Westervelt, circular stairs	"	480 00
14125	Thos. Kennedy, harness	"	126 00
14127	Gutta Percha and Rubber Manufacturing Company, taper pipes	"	828 00
14129	I. H. Dahlman, horses	"	900 00
14130	Baumann Bros., desks, etc	"	230 00
14237	John W. Bassett, mason work	"	439 00
14238	A. Arctander & Co., carpenter work	"	1,281 00
14448	Henry D, Ohlsen, sponges	"	352 00
14449	Brewster & Co., repairing phaeton	"	127 23
14671	Sylvester Hilton & Co., loom twill, etc	August, 1888	148 65
14675	Ilsley, Doubleday & Co, emery cloth	"	783 47
14678	John Early & Co., coolers	"	146 30
14777	Wm. H. Dobbs, carpenter work	"	650 00
14803	Samuel G. French, account contract 8662, coal	"	1,870 44

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
14806	Ash & Buckbee, plumbing, etc	August, 1888	$251 60
14893	I. H. Dahlman, horses	"	600 00
14957	John F. Walsh, Jr., caulking floor, etc	"	190 00
14958	A. Arctander & Co., carpenter work	"	355 00
15111	La France Engine Company, in full for contract 8601, extension hook and ladder truck	"	3,000 00
15144	Barry & Keegan, plumbing, etc.	"	434 58
15413	Collins & Nuttall, plating dome	"	112 58
15414	Clapp & Jones Manufacturing Company, wheel hubs, etc	"	440 00
15415	Jos. W. Duryee, spruce plank	"	184 00
15417	Feigel & Bro., oil, etc.	"	163 85
15425	John Schwabeland, check valves, etc	"	231 15
15434	Carll, Smith & Son, removing manure	"	121 98
15117	John W. Bassett, repairing plastering, etc., 30	"	490 00
15518	A. Arctander & Co., carpenter works	"	609 00
15519	A. B. & W. T. Westervelt, spiral stairs	"	350 00
15520	H. T. Gates & Co., wagon	"	195 00
15550	La France Engine Company, in full for contract 8599, engine	"	1,800 00
15551	Wm. Terhune, in full for contract 8654, coal	"	2,872 43
15847	John Moonan, account contract 8661, forage	"	3,536 95
15850	Sanitary Stall Company, oak gratings	"	240 00
15851	Sam'l G. French, agent, coal	"	402 57
15853	I. H. Dahlman, horses	"	600 00
15993	Thos. Higgins, caulking floor 26	"	205 00

15994	John W. Bassett, mason work	"	414 00
15995	M. Breen, painting	"	720 00
16101	Sam'l G. French, account contract 8662, coal	September, 1888	737 41
16102	Wm. Terhune, coal	"	278 00
16252	Fire Extinguisher Manufacturing Company, full for contract 8651, aerial turn table truck	"	3,800 00
16253	Gleason & Bailey Manufacturing Company, full for contract 8604, two four-wheeled hose leaders	"	1,690 00
16254	La France Fire Engine Company, in full for contract 8600, steam fire engine	"	8,950 00
16291	Pearce & Jones, gong locks, etc	"	315 10
16301	Chas. W. Dorn, castile soap	"	184 80
16943	John Moonan, account contract 8661, forage	"	1,114 64
16950	Pearce & Jones, battery zincs	"	203 20
16952	Peerless Rubber Manufacturing Company, suctions	"	547 56
16952	John Powers, manufacturer, castings, etc	"	675 77
16955	D. A. Woodhouse Manufacturing Company, pipes	"	433 25
16959	Keeler Manufacturing Company, sliding holes	"	163 80
16960	Holmes, Booth & Hayden, iron wire	"	300 00
16965	Chas. W. Dorn, vinegar, etc	"	160 82
16966	I. H. Dahlman, horses	"	600 00
16967	P. H. Duffy & Sons, wood	"	202 75
17008	J. H. Drew & Brother, bracing up wall, fuel depot	"	165 00
17011	Lambertville Spoke Manufacturing Company, wheels, etc	"	633 00
17188	A. Arctander & Co., carpenter work	"	517 00
17881	Sam'l G. French, coal	October, 1888	386 50
17882	John Moonan, account contract 9051, forage	"	2,434 67
17931	La France Fire Engine Company, full for contract 8655, repairing engine,	"	1,900 00
17932	John Moonan, in full for contract 8661, forage	"	1,206 49
17933	Finney & Fetter, plank, etc	"	755 29
18123	Pond, West & Simons, life-line guns, etc	"	774 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number	MATERIALS AND SUPPLIES.	Voucher.	Amount.
18132	Bruce & Cook, iron, etc	October, 1888	$597 30
18167	Lambertville Spoke Manufacturing Company, handles	"	300 00
18371	Seaman Johnson, caulking floor	"	128 00
18372	Brush Electric Illuminating Company, electric lamps	"	160 00
18373	John W. Bassett, repairing mason work	"	303 00
18374	Ash & Buckbee, plumbing, etc	"	354 12
18375	A. Arctander & Co., carpenter work	"	552 00
18449	John Moonan, account contract 9051, forage	"	1,338 48
18450	George W. Hartt, leather	"	100 40
18541	G. Johnston Bradish, agent, coal	"	204 07
18452	M. Donohue, castings	"	541 76
18455	Joseph W. Duryee, lumber	"	300 00
18456	I. H. Dahlman, horse	"	281 50
18458	Henry D. Ohlsen, sponges, etc	"	281 50
18465	H. P. Williams & Co., blankets, etc	"	107 75
18467	A. B. & W. T. Westervelt, gate, etc	"	280 00
18522	A. G. Day, repairing cable, etc	"	488 00
18523	W. Frank Dusenbury, repairing wagon	"	179 05
18575	James Wm. Wood, coal	"	249 54
18636	A. B. & W. T. Westervelt, skylight frame, etc	"	293 00
18637	Patrick Murphy, coal cans, etc	"	159 50
18847	John F. Crotty, plumbing	"	175 00
18862	William Cowles, plans, etc., repairs, "W. F. Havemeyer"	"	385 00
18915	Samuel G. French, account contract 8662, coal	"	1,802 39

19369	John Moonan, account contract, 9051, forage	"	1,488 00
19370	W. G. Hallock, desk, etc	"	315 00
19519	Ilsley, Doubleday & Co., waste	"	379 15
19651	Eureka Fire Hose Company, full for contract 9040, hose	"	2,120 00
19794	I. H. Dahlman, horses	"	900 00
19797	Baumann Bros., chairs, etc	"	382 00
19801	Pearce & Jones, copper ground plates	"	129 90
19860	John W. Bassett, mason work, etc	"	957 00
20243	John Moonan, account contract 9051, forage	November, 1888	1,099 62
20298	Baumann Bros., linoleum	"	250 90
20299	P. H. Duffy & Sons, wood	"	222 50
20323	Joseph S. Barron & Co., brooms, etc	"	128 10
20324	John Early & Co., matches, etc	"	181 74
20325	Joseph T. Farrington, ship augurs	"	113 29
20327	Ilsley, Doubleday & Co., oil, etc	"	420 64
20328	Harvey R. Mitchell, repairing boilers	"	180 00
20329	Patrick Murphy, ash cans	"	120 00
20330	Patrick Murphy, furnishing and putting up hoistway	"	132 00
20333	Pleasants & Woodworth, oil vitriol, etc	"	136 91
20634	John F. Walsh, Jr., caulking	"	175 00
20636	Pleasants & Woodworth, ammonia, etc	"	114 29
20871	Tooker Fire Alarm Imp. Company, royalty on keyless doors	"	300 00
20940	Samuel G. French, account contract 8662, coal	"	458 43
21238	John Moonan, account contract 9051, forage	"	1,492 30
21326	Samuel G. French, coal	"	178 89
21327	Baxter & Conklin, account contract 9140, use of steamboat John Fuller	"	1,200 00
21474	Gold's Heater Manufacturing Company, repairing heaters	"	149 00
21530	William Gibson, lumber	"	159 30
21627	M. Feigel & Bro., paint	"	137 20
21631	Charles P. Ketterer, repairing wagon	"	121 70
21632	M. J. McDermott, plumbing, etc	"	370 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
21868	La France Fire Engine Manufacturing Company, full for contract 9141, repairing engine	November, 1888	$1,900 00
21911	Baxter & Conklin, account contract 9140, use of steamboat "John Fuller."	December, 1888	1,125 00
21912	John Moonan, account contract 9051, forage	"	1,281 10
22329	Seaman Johnson, caulking floor No. 31	"	143 00
22330	Mrs. Christ Hoell, ladders	"	345 00
22331	John W. Bassett, mason work	"	585 00
22345	C. M. Moseman & Bro., robes, etc	"	430 00
22347	Peerless Rubber Manufacturing Company, suction, etc	"	620 00
22350	Pearce & Jones, register paper	"	110 81
22357	Clapp & Jones, wheels	"	626 75
22362	John Schwabeland, roller, etc	"	100 50
22554	John F. Walsh, Jr., caulking	"	174 00
22555	Patrick Murphy, ash cans	"	350 00
22556	F. V. Morrison, telegraph poles	"	394 50
22559	Pearce & Jones, battery zincs, etc	"	233 00
22562	A. B. & W. T. Westervelt, circular stairs, etc	"	305 00
22566	Jos. T. Farrington, hardware	"	184 75
22567	DeGrauw Aymar & Co., American ensign	"	100 00
22650	C. H. Delamater & Co., propeller wheel "Zophar mills"	"	280 00
22744	John F. Walsh, repairing, etc., "Zophar mills"	"	835 00
22750	L. G. O'Brien & Co., painting, etc, 1889	"	700 00
362	Trask & Carmichael, steam-heating apparatus	"	975 00
648	John Noonan, account contract 9051, for forage	January, 1889	1,921 29

888	M. Breen, glazing, etc	"	618 08
1107	Baxter & Conklin, account contract 9140, use of steamboat "John Fuller."	"	1,575 00
1352	A. Arctander & Co., carpenter work	"	497 00
1354	A. Arctander & Co., carpenter work	"	328 00
1461	Andrews Manufacturing Company, pigeon-hole cases	"	468 00
1463	P. H. Duffy & Sons, wood	"	340 75
1506	Barry & Keegan, plumbing	"	227 76
1510	L. G. O'Brien & Co., painting, etc	"	645 00
1571	Trask & Carmichael, work at headquarters	"	160 00
1591	Sam'l G. French, account contract 8662, coal	"	1,516 89
1592	John W. Bassett, setting boiler	"	178 00
1593	Ash & Buckbee, gasfitting	"	133 75
1594	George Teasdale, tinsmith work	"	410 00
1677	Pleasants & Woodworth, drugs	"	119 44
1711	Thos. Kennedy, swinging harness	"	126 00
1713	M. Feigel & Bro., oil, etc	"	172 35
1716	M. Feigel & Bro., oil, etc	"	464 31
1717	Clapp and Jones Manufacturing Company, coils, engine 16	"	216 25
1718	Collins & Nuttall, polishing, etc., dome	"	115 50
1722	Pearce & Jones, Kent's wire, etc	"	421 95
1725	Lambertville Spoke Manufacturing Company, wheels	"	105 20
1728	Wm. H. Dobbs, carpenter work	"	345 00
1729	I. H. Dahlman, horses	"	600 00
1731	Henry D. Ohlsen, sponges	"	431 50
1883	John Moonan, hay, etc	"	865 12
2016	Baxter & Conklin, account contract 9140, use of steamboat "John Fuller"	December, 1888	1,050 00
2017	M. Donahue, acid jars	"	176 00
2137	Holmes, Booth & Hayden, iron wire	"	300 00
2138	John Early & Co., matches, etc	"	142 40
2139	Ilsley, Doubleday & Co., waste, etc	"	704 16
2291	John Moonan, account contract 9298, forage	"	1,150 94

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
2293	John Moonan, hay	December, 1888	$877 20
2301	I. H. Dahlman, horse	"	300 00
2574	Baxter & Conklin, account contract 9140, use of steamer "John Fuller"	February, 1889	1,200 00
2785	Scoville Manufacturing Company, buttons	"	121 50
2787	C. M. Moseman & Bro., ankle boots	"	439 00
2869	Barry & Keegan, plumbing	"	152 08
2870	Seaman Johnson, caulking, etc	"	386 00
2871	John F. Walsh, Jr., caulking	"	185 00
3062	M. J. & D. F. Mahoney, in full contract 9030, altering 157 Mercer street	"	1,190 00
3065	Ilsley, Doubleday & Co., brushes, etc	"	158 75
3084	John Moonan, in full contract 9051, forage	"	1,534 54
3134	Ash & Buckbee, plumbing	"	383 61
3135	I. H. Dahlman, horse	"	600 00
3206	A. Arctander & Co., carpenter work	"	373 00
3207	A. Arctander & Co., carpenter work	"	61 00
3208	A. Arctander & Co., carpenter work	"	912 00
3209	Silsby Manufacturing Company, rebuilding water cylinder	"	100 00
3210	L. G. O'Brien & Co., painting	"	875 00
3598	Samuel G. Finch, account contract 8662, coal	"	1,180 02
3600	Holmes, Booth & Hayden, iron wire	"	150 00
3601	Brush Electric Illuminating Company, lamps	"	160 00
3653	John Moonan, account contract 9278, forage	"	1,663 02
3654	John Powers, mg'r steel spanners	"	291 96
3656	Pearce & Jones, register paper, etc	"	120 48

3852	Baxter & Conklin, account contract 9140, use of steamboat "John Fuller"	"	1,350 00
3855	Holmes, Booth & Hayden, iron wire	"	135 00
3856	John W. Sullivan, account contract 9076, repairing "W. F. Havemeyer"	"	3,465 00
4062	John Moonan, account contract 9278, forage	"	1,113 01
4113	Graff & Co., repairing furnace, etc	"	189 00
4115	George W. Hartt, leather	"	141 76
4117	Sanitary Stall Company, oak gratings	"	240 00
4118	Jos. W. Duryee, lumber	"	155 70
4119	C. M. Moseman & Bro., whips, etc	"	301 00
4120	M. J. McDermott, plumbing	"	210 00
4188	John W. Bassett, mason work	"	551 00
4189	A. Arctander & Co., carpenter work	"	739 00
4190	Barry & Keegan, plumbing	"	134 10
4228	A. Arctander & Co., carpenter work	"	783 00
4229	Chas. P. Ketterer, repairing wagons	"	121 60
4332	Baxter & Conklin, account contract 9140, use of steamboat "John Fuller"	"	1,050 00
4333	E. H. Dahlman, horse	"	300 00
4335	M. Breen, painting	"	785 00
4336	John W. Bassett, mason work	"	280 00
4347	Trask and Carmichael, heating apparatus, etc	"	950 00
4372	Ash & Buckbee, plumbing	"	704 85
4436	Thos. Higgins, caulking floor	"	200 00
4588	P. H. Duffy & Sons, wood	March, 1889.	212 25
4596	Wm. H. Dobbs, carpenter work	"	360 00
4709	Samuel G. French, account contract 8662, coal	"	1,479 10
4765	John Moonan, account contract 9278, forage	"	1,723 54
4810	John W. Sullivan, account contract 9076, repairing "W. F. Havemeyer"	"	3,465 00
4918	Van Tassell & Kearney, wagon	"	200 00
5257	Baxter & Conklin, account, contract 9140, use of steamboat, John W. Fuller,	"	1,125 00
5350	Ash & Buckbee, plumbing etc	"	196 37
5351	A. Arctander & Co., carpenter work	"	948 00

EXHIBIT 1 — MEMORANDUM OF PAYMENTS, ETC.— (*Continued*).

Warrant number.	MATERIALS AND SUPPLIES.	Voucher.	Amount.
5356	Thos. Kennedy, harness	March, 1889	$126 00
5490	Samuel G. French, coal	"	122 71
5493	Prunty Manufacturing Company, nozzle, bolts, etc.	"	182 50
5494	Keller Manufacturing Company, brass sliding poles	"	254 80
5497	Holmes, Booth & Hayden, iron wire	"	195 00
5502	John Schwabeland, double coils, etc.	"	424 10
5504	W. S. Hawkins, hammers, etc.	"	378 00
5505	Jas. & Wm. Wood, coal	"	219 37
5586	D. A. Woodhouse Manufacturing Company, life nets, etc	"	487 50
5587	John Powers, mg'r, composition castings	"	164 59
5824	John Moonan, account, contract 9278, forage	"	1,130 66
6048	M. J. McDermott, plumbing	"	421 00
6049	Ash & Buckbee, plumbing	"	355 62
6050	Chas. P. Ketterer, sleigh	"	475 00
6121	Baxter & Conklin, account, contract 9140, use of steamboat, John Fuller	"	900 00
6189	Chas. P. Ketterer, repairing wagon	April, 1880	153 55
6193	R. E. Dietz Company, lanterns	"	180 00
6270	Jos. T. Farrington, hardware, etc	"	106 98
6274	Trask & Carmichael, steam heating work at 155-7 Mercer street	"	325 00
6276	Peerless Rubber Manufacturing Company, rubber hose, etc.	"	380 50
6386	John F. Walsh, Jr., caulking etc	"	178 00
6387	A. Arctander & Co., carpenter work	"	978 00
6391	Barry & Keegan, plumbing	"	384 00
6392	Ash & Buckbee, plumbing	"	107 38

6393	John Powers, mg'r, altering, etc., pipes	"	136 55
6400	Patrick Murphy, ash cans	"	420 00
6773	Brewster & Co., gig phaeton	"	475 00
6802	John Moonan, account, contract 9278, forage	"	1,329 19
6892	A. Arctander & Co., carpenter work	"	165 00
6893	Richard Dudgeon, repairing hammer, etc	"	145 50
7181	I. H. Dahlman, horse	"	300 00
7189	George W. Hartt, harness, leather	"	136 70
7191	Jos. W. Duryee, spruce, etc	"	310 68
7606	I. H. Dahlman, horses	"	600 00
7608	Henry D. Ohlsen, sponges	"	359 50
7610	Ilsley, Doubleday & Co., waste, etc	"	373 91
7612	Baumann Bros., bedsteads, etc	"	823 79
7613	George Teasdale, tinsmith work	"	210 00
7614	John W. Bassett, mason work	"	218 00
7615	Holmes, Booth & Hayden, iron wire	"	270 00
7616	A. G. Day, conductor cable	"	606 50
7619	Ilsley, Doubleday & Co., English vermilion, etc	"	204 09
7620	M. Donohue, castings, etc	"	452 86
7621	John Schwabeland, steamfittings, etc	"	142 50
7622	D. A. Woodhouse Manufacturing Company, shears	"	157 50
7623	Pearce & Jones, oak brackets	"	255 53
7624	Samuel G. French, account contract 8662, coal	"	853 92
7786	E. G. Hilton, revolving nozzles	"	195 00
7850	W. H. Dobbs, carpenter work	"	1,300 00
7859	G. Johnston Bradish, coal	"	155 03
8068	Baxter & Conklin, account, contract 9140, use of steamboat "John Fuller."	"	1,125 00

EXHIBIT 2 — OCTOBER 29, 1890.

Statement, showing the total payments made from January 1, 1884, to May 1, 1889, on account of the fire department, to parties furnishing materials, supplies, labor, etc., in sums exceeding $100 at one time, but not including payments on account of contracts for building new engine-houses or rebuilding old ones. The details of such payments will be found in the written exhibits, pages 1 to 92 inclusive, accompanying this statement:

1.	Ash & Buckbee, plumbing and gas fitting	$6,447 65
2-3.	A. Arctander & Co., carpenter (and mason) work	68,121 12
4.	John W. Bassett, mason work	10,199 00
5.	H. E. Bowns, coal	44,498 26
6.	Barry & Keegan, plumbing	4,480 99
7.	M. Breen, painting and glazing	15,820 91
8.	Baumann Bros., furniture	6,211 39
9.	Wm. D. Burns, Jr., wood	293 00
10.	Jas. S. Barron & Co., brooms, baskets, matches, etc.,	1,111 70
11.	William Crosbie, harness, ladder, belts, etc	1,661 75
12.	Clapp & Jones Manufacturing Company, contracts for engines, repairs and fittings	58,093 55
13.	W. H. Dodds, carpenter work	11,569 00
14.	P. H. Duffy & Sons, wood	5,617 50
15.	Chas. W. Dorn, vitriol, soap, drugs, alcohol, etc	2,923 06
16.	C. H. Delamater & Co., repairs to "Zophar Mills," etc.,	2,022 77
17-18.	I. H. Dahlman, horses	60,208 00
19.	Joseph W. Duryee, lumber, etc	4,588 02
20.	Early & Lane, brooms, rope, matches, buckets, etc	1,093 26
20.	John Early & Co., brooms, rope, matches, buckets, etc.	3,404 02
21.	Eureka Hose Company, hose contracts	37,670 00
22.	Frost & Wood, furniture	4,197 60
23.	Fire Extinguisher Manufacturing Company, hose tenders, water tower, turn-tables, etc	16,095 00
24.	A. A. French & Coy Net and Twine Company, nets,	1,982 50
25.	Finney & Fetter, lumber, etc	2,087 00
26.	Jos. T. Farrington, hardware, chains, pulleys, etc	1,478 79
27.	The Gutta Percha and Rubber Manufacturing Company, hose contracts, supplies, etc	69,696 13
28.	Graff & Co., repairing furnaces	1,345 13
29.	Christ Hoell, ladders	3,633 50
30.	The Hunter & Keller Comp'y, brass pipe, tubing, etc.	5,452 00
30.	Keller Manufacturing Company, brass sliding poles,	1,887 10

31. George W. Hartt, harness leather	$4,220 02
32. Holmes, Booth & Hayden, iron wire, etc	9,385,96
33. Horace Ingersoll, hay and feed	14,297 80
34–35. Ilsley, Doubleday & Co., cotton waste, oil, paints, emery cloth, brushes, etc	23,793 21
36. Seaman Johnson, caulking	2,785 00
37. Charles P. Ketterer, repairing wagons, buggies, etc	2,045 41
38. La France Engine Co., engine, hook and ladder contracts, etc	33,791 60
39. Lambertville Spoke Manufacturing Company, spokes, wheels, etc	3,927 50
40. Wm. J. Lanigan, mattrasses and bedding	862 38
41-43. John Moonan, hay and feed	141,192 05
44. Lawrence McMahon, hay	3,013 00
45. P. McCann, toweling, etc	600 00
45. P. McCann, horses	550 00
46. John McClave, lumber, etc	1,282 34
46. E. W. McClave & Co., lumber, etc	827 96
47. C. M. Moseman & Bro., whips, blankets, etc	5,416 46
48. The National Stove Company, grates, heaters, fitting, etc	2,725 00
49. W. A. Ohlsen, sponges	1,978 00
49. Henry D. Ohlsen, sponges	4,442 50
50. L. G. O'Brien, painting, etc	14,236 00
51. Ogden & Wallace, iron	2,365 92
52. John Peyser, saddlery, hardware	971 90
53. Peerless Manufacturing Company, hose contracts, supplies, etc	24,023 95
54. John Powers, m'gr, composition castings, etc	5,864 38
55-56. Pearce & Jones, additional fire alarm, telegraph apparatus, fittings, supplies, etc	38,402 23
57. Quackenbush, Townsend & Co., copper, tacks, pulleys, etc	556 75
58. B. Schmidt & Co., oak partition, fitting up new headquarters, etc	3,990 00
59. Swan & Finch, oil	705 35
60. Steel Horse Collar Company, steel collars	726 00
61. Sylvester Hilton & Co., twill, etc	1,518 13
62. Fred A. Shields, plumbing and gasfitting	11,779 25
63. Sanitary Stall Company, oak gratings	3,560 00
64. John Schwabeland, nipples, valves, fittings	2,394 26
65. George Teasdale, tinsmith work	4,164 00

66.	Tooker Fire Alarm and Implement Company, royalty keyless doors	$3,300 00
67.	Wm. Teasdale, carpenter work	2,960 00
68.	Enoch Vreeland, painting	160 00
69.	R. J. Wright, hay and feed	21,001 11
70.	John F. Walsh, ship carpenter work, erecting flagstaff pole, etc	1,386 00
71.	John T. Walsh, docking Zophar Mills, caulking, etc.	4,667 00
72.	Western Electric Company, wire, etc	2,543 81
73.	Winant & Terhune, coal	33,335 30
74.	French & Terhune, coal	4,972 20
74.	Van Cott & Terhune, coal	148 57
74.	George W. Winant & Son, coal	999 00
75.	Wm. Terhune, coal	19,186 34
75.	Samuel G. French, agent, coal	22,404 77
76.	Standard Underground Cable Company, account, placing electrical conductors underground, supplies, etc	11,988 81
76.	John E. Prunty, nozzles, valves, etc	1,855 80
76.	Collins & Nuttall, nickel plating, etc	672 08
76.	Thomas Kennedy, swinging harness	1,446 00
76.	A. Mills, stonework	116 00
77.	L. G. Tillotson & Co., zinc brackets, etc	300 21
77.	C. H. Hance, soap, etc	333 75
77.	Chesebro & Whitman, ladders	512 65
77.	Scovil Manufacturing Company, buttons	486 00
77.	William Pither, oak gratings	576 00
77.	Thomas Hogan, copper cornices	295 00
78.	Pleasants & Woodworth, vitriol, alcohol, etc	1,147 08
78.	Patrick Murphy, coal and ash cans, etc	2,810 50
78.	Pocasset Coal Company, coal	729 44
78.	G. Johnson Bradish, coal	359 10
78.	James W. Wood, coal	468 91
78.	Richard Dudgeon, repairing hammers	145 50
79.	John P. Jube & Co., carriage hardware, etc	901 86
79.	D. A. Woodhouse Manufacturing Company, castings, gongs, etc	2,392 69
79.	Van Tassell & Kearney, horse and wagon	600 00
79.	Sol Mehbach, horses	900 00
79.	W. S. Hawkins, hammers	378 00
80.	M. Feigel & Bro., oil, paint, etc	1,577 33
80.	Harhness Fire Entinguisher Co., fire extinguishers	1,171 91

80. R. E. Dietz, lanterns	$1,145 50
80. Marshall Lefferts & Co., galvanized iron, etc	1,789 47
81. F. V. Morrison, telegraph poles	1,817 13
81. Heipershausen Bros., repairing boiler, Zophar Mills, etc	4,430 28
81. Bangor Entension Ladder Company, ladders	3,100 00
81. J. B. & J. M. Cornell, iron circular stairs	733 00
82. Gleason & Bailey Manufacturing Company, hose carriage, tenders, etc	11,374 00
82. Brush Electric Illuminating Company, lamps	1,527 89
82. Malcolm Hunter, nets	1,621 09
82. Luzerne Coal Company, coal	453 57
82. John F. Crotty, plumbing	783 00
83. James Carroll, horses	1,500 00
83. A. G. Day, cables, repairs, etc	1,894 55
83. W. F. Dusenbury, phaeton, wagon repairs, etc	1,118 95
83. Mrs. M. Hardy, badges and repairing	1,280 25
83. Mahoney Bros., mason work, etc	1,836 00
84. James Renwick, gig phaeton	375 00
84. Elyford Smith, shaft couplings	185 04
84. Silsby Manufacturing Company, water cylinder, etc.,	325 00
84. M. J. McDermott, plumbing	1,466 00
84. M. Donohue, life line copper pans, castings, etc	452 86
84. Fabric Hose Company, hose contract	9,000 00
84. Andrews Manufacturing Company, furniture	1,353 85
84. Bruce & Cook, iron	597 30
84. H. P. Williams & Co., blankets	107 79
84. Wm. Cowles, plans for repairs to Havemeyer	385 00
84. W. H. Hallock, desk	315 00
84. Harvey R. Mitchell, repairing boilers	180 00
84. DeGrauw, Aymar & Co., American ensign	100 00
84. John W. Sullivan, contract repairing Havemeyer	6,930 00
85. Mrs. W. Murray, badges	200 00
85. S. E. Hatfield, plumbing	475 00
85. Ahrens Manufacturing Company, hydrants connections, etc	371 45
85. Phelps, Dodge & Co., iron	237 58
85. Richard Hecksher, Jr., coal	860 00
85. J. J. Drew & Bro., shoring	715 00
85. R. Thompson, grate bars	150 00
85. H. C. Gates & Co., wagons	815 00
85. David S. Brown & Co., soap	240 00

1866	Amount
85. W. L. Cole & Co., horse carriage, fuel wagon, etc	$1,986 00
85. N. Y. Insulated Wire & Telegraph Company, wire	392 00
86. Allen & Co., practice machines, oiling, etc	573 00
86. John Neil's Sons, steering tackles, steam-fitting, etc	545 73
86. James Jones, contract for finishing and laying lead telegraph cable	6,134 00
86. Pond, West & Simmons, life line guns	1,134 00
86. Henry Kessler, making cabinet	165 00
86. Thomas F. Commins, grading	256 00
86. Walter Avery, upper receptacles	210 00
86. Gas Consumers' Benefit Company, Jackson gas burners	752 50
86. E. Howard Watch & Clock Company, repairing clock	102 00
86. A. J. Campbell, removing vault door, etc	1,363 00
86. James Duffy, building vaults	157 00
86. Gold's Heater Manufacturing Company, repairing heating apparatus	294 00
86. Thomas Higgins, caulking	575 00
86. Lincoln, bay horse	300 00
86. Philip Duffy, black mare	375 00
87. Abbott Dowling & Co., wagon	270 00
87. Edward Dowling, mason work	150 00
87. Asbestos Felting Works, covering boiler, Zophar Mills	267 00
87. Amos Woodruff's Sons, mason work	487 00
87. Manchester Locomotive Works, pump shell, etc	290 00
87. C. M. Ward, special agent, document boxes	392 50
87. Smith & Frost, desk	132 00
87. J. H. Jennings, horse	300 00
87. Deane & Armstrong, connecting cellar, excavating etc	1,270 00
87. Edwards & Co., ash boxing, etc	178 43
87. Francis Wheaton, calking	255 00
87. William Gibson, lumber	369 32
88. M. F. McAnnery, ash kettles	124 80
88. T. Now, roofing	95 00
88. C. H. Field, Jr., repairs	229 00
88. James E. Poole, in full for contract 6248, for repairs	3,505 92
88. David Hoyt, white oak	104 70
88. Abner Greenleaf, in full for contract 6451, water tower	4,000,00

88.	William Clyde, leather	$170 00
88.	C. A. Jones & Co., galvanized cleats, manilla, etc	335 11
88.	E. R. Merrill, springs	913 44
88.	H. T. Patterson & Co., hardware	246 06
88.	James W. Colwell, wall	116 00
88.	Thomas H. Dunham, brushes	411 74
88.	N. Le Brun & Sons, plans, designs, etc	727 38
88.	Washburn & Moen Manufacturing Company, telegraph wire	145 19
88.	N. C. Walter, badges	170 00
89.	Charles E. Barry, harness	121 01
89.	N. J. Smith, silk flags	245 00
89.	Smith Manufacturing Company, flags	110 00
89.	Oliver Bryan, repairing furnaces	210 00
89.	S. F. Hayward, agent, sections water tower, etc	1,623 00
89.	E. R. Millard, soap	120 00
89.	S. C. Judd, repairs	136 00
89.	Travis Murray & Co., gas fixtures, etc	989 00
89.	George Brown, tin signs	100 00
89.	Hammond Typewriter Company	112 00
89.	W. H. Dougherty, patterns for grates	376 74
89.	E. E. Garvin & Co., foot lathe	115 00
89.	H. B. Thayer, horse	250 00
89.	Gould's Manufacturing Co., contract for engine	4,100 00
89.	Manning, Maxwell & Moore, punch and shoar	261 25
90.	J. H. Cort, stoves	1,477 69
90.	Poillon & Hobbs	122 00
90.	James Shewan, contract repairing Havemeyer	5,447 99
90.	F. T. Higgins, covering boiler	237 00
90.	Seth Chapman's Sons, coal	260 06
90.	Thomas Sullivan, straw beds	109 00
90.	N. Y. Steam Company, erecting meter	135 70
90.	Trask & Carmichael, steam-heating apparatus, etc	5,485 00
90.	E. F. Goodrich Company, fire hose	450 00
90.	Samuel Hall's Sons, belts	505 46
90.	Wetmore & Co., iron	332 46
90.	John Wood, putting up gymnasium at headquarters,	500 00
90.	G. T. & E. C. Brown & Co., window shades, etc	865 58
90.	E. G. Hilton, nozzles	375 00
91.	L. Heyniger, brooms	104 72
91.	R. Berry, horses	600 00
91.	T. C. Bassher, spray nozzles	1,189 00

91.	R. R. Rouse Manufacturing Company, wrenches	$107 26
91.	George Hayes, dormers	120 00
91.	A. B. & W. Westervelt stable fixtures, circular stairs, iron work	1,836 00
91.	American Fire Hose Manufacturing Company, hose contract	3,600 00
91.	Brewster & Co., wagon, gig phaeton, repairs, etc	1,234 31
91.	John Travis, life lines	350 00
91.	Arthur H. Lowe, agent, horse collars	120 09
91.	John Lee, docking Zophar Mills	297 00
91.	Western Union Telegraph Company, repairing cable,	110 25
92.	Mitchell, Vance & Co., Combination fixtures, court lantern, etc	1,968 80
92.	Ludovici & Heizenroder, brass railing	1,300 00
92.	Hall's Safe and Lock Company, safe	125 00
92.	G. E. Bockey, agent, document boxes	153 37
92.	Boughton & Terwilliger, wood floorings	206 24
92.	Percy & Jones, making brass table (underground cable)	106 29
92.	Bramhall, Deane & Co., furnance, No. 15	275 00
92.	Thomas Dunn, mason work, No. 52	837 00

NEW YORK, *December* 17, 1890.

Present.— Senators Fassett, Stewart and Ahearn.

HENRY D. PURROY recalled:

By Mr. IVINS:

Q Mr. Purroy, when we discontinued the investigation of the fire department to take up the matter of registration and colonization, we were inquiring into the matter of contracts for supplies, as you will remember? A. Yes, sir.

Q. The committee at that time asked you to supply them with a statement taken from your books of the names of the parties from whom you had got your supplies, of the dates of the contracts for those supplies, and the amounts of the contracts for those supplies; have you conformed with that request?

The WITNESS.— [To Secretary Jussen.] Colonel, will you give me that paper there that contains the notice from the committee?

[Secretary Jussen produces paper referred to.]

The WITNESS.— When I was on the stand you stated that you would serve me with a copy of just what the committee wanted, and you did

subsequently kindly furnish me this. I have it here, and I have complied with its request.

Q. Now, are these statements which have been made up, made up by you or your subordinates at your request? A. These are the records of the searches which have been made by the chief bookkeeper and secretary in accordance with the request of the committee.

Senator FASSETT.— Will you have them marked, Mr. Ivins, for identification?

Mr. IVINS.— Yes; I will have them all marked.

The WITNESS.— Mr. Ivins, would you like me to take up this that you served on me?

Mr. IVINS.— I will take that up in a minute. I want to have them marked.

The papers produced by the witness were marked for identification Exhibits 1 to 24, both inclusive, of this date.

Q. Now, Mr. Purroy, go on? A. My attention was called especially to the following items, and I was instructed to look them up; the items are given here [referring to copy of testimony given at previous hearing]; then I asked you the question: "Do you say, Mr. Ivins, those are without advertisement? Mr. Ivins: Those are sworn to by our accountant as having been taken from the books of your department as having been extended without advertising;" now, that involved a search through nearly seven years, and occupied our department about three weeks, but I have gone over them all carefully, and here are the items: Arctander & Co., $68,121; that is substantially correct; it is a little less than the amount; H. E. Bownes for coal, $4,000 —

Q. Just wait a minute, will you please? A. H. E. Bownes, for coal, $44,000; that is incorrect; that is all on contract; Clapp & Jones Manufacturing Co., contract for engines, repairs and fittings, $58,000; that is incorrect; that is let on contract after advertising; but they are, as you say, patented articles; William H. Dobbs, for carpenter work — I think it is $11,000; it is blurred here.

Q. Eleven thousand, five hundred and sixty-nine dollars? A. That is correct; I. H. Dahlman, for horses, $68,000; that is correct; the Eureka Hose Company, for hose contracts, $37,670; that is on the contract; that is incorrect as stated here.

Q. Not the amount; you mean the fact that it was not done after advertisement? A. It was done after advertisement; the Gutta Percha and Rubber Manufacturing Company, for hose contract, $69,695; that is incorrect; it was done after advertising; Horace Ingersoll, $14,000; that is incorrect; that was done after advertising;

the La France Engine Company, $33,791; that is incorrect; that was done after advertising; John Moonan, hay and feed, $141,000; that is incorrect; that was done after advertising.

Q. Was that done after advertising in every case? A. Yes, sir; we have the exceptions here; there were cases where there were some special contracts for feed, where a contract had run out and it was necessary, before the other contract could be let, to get some little feed to run the department, and we have the exceptions stated here; I will put them in; Peerless Manufacturing Company, hose contracts, $24,000; that is incorrect.

Senator FASSETT.—I understand you are now telling us your exception to the evidence as sworn to by our accountants?

The WITNESS.—No; I will explain that; even that is not so; Pearce & Jones, additional fire alarm telegraph apparatus, $34,402; that is incorrect; R. J. Wright, hay and feed, $2,100; that is incorrect; Winant & Terhune, coal, $33,335; that is incorrect; French & Terhune, $4,972; William Terhune, $19,186; Samuel G. French, agent, coal, $22,404; those are all for coal, and they are all incorrect, except that there were some contracts of a minor amount; we have the amount stated here bought from either one of those individuals; I am not able to tell you which one just now; the Standard Underground Cable Company, for supplying electrical conductors underground; that was all in the contract; I had a stenographer here taking a copy of the minutes, and in looking that up I find that the exhibits which were filed contain a caption which is misleading, and I think may be it misled the counsel to the committee; of course, I do not wish to suggest anything; but if you will notice, you will see in his caption, his first exhibit, that it contains all supplies over $100, and in the caption to the second exhibit, he says —

Q. Are these the ones [handing papers to witness]? A. The ones you put in when Commissioner Eickhoff was on the stand; this second one, that is the one that is misleading; but not including payments on account of contracts for building new engine-houses or rebuilding old ones; that is all he excepted; whereas I think you understood it excepted all; that is the way it occurred; I went over them and checked all that were under contract.

Q. I have no doubt that you are right; Mr. Tate tells me that he does not recollect having sworn that all that was without contract, and I think probably your explanation of that is entirely, correct? A. I can see, Mr. Ivins, that that is what misled you from the fact that when you put in the exhibits when Mr. Eickhoff was on the stand, you stated it correctly then; you had the expert on

the stand then, and if you take up his testimony when Mr. Eickhoff was on the stand, you will find that then it was explained.

Q. Now let me call him for a minute; you need not leave the chair? A. All right.

Mr. IVINS.— Mr. Tate, will you take the stand.

HENRY E. TATE, recalled:

By Mr. IVINS:

Q. Mr. Tate, you have, since the last meeting of the committee, continued and completed your investigation of the books of the fire department, have you? A. Yes, sir.

Q. And the result of that investigation is, that so far as you can discover from the books, this is a statement in the nature of a general summary of all supplies purchased by the department in excess of invoices under $100 from 1884 to date [handing paper to witness]? A. This is a statement of all the supplies purchased under contract from January 1, 1884, to October 15, 1889.

Q. Under any contract whatsoever? A. Under any contract whatsoever.

Mr. IVINS.— That is perfectly explicit.

The paper referred to is marked Exhibit 25 of this date.

Q. And this is what [handing paper to witness]? A. This is a statement of payments made on account of the fire department by the comptroller in sums in excess of $100 at one time from January 1, 1884, to May 1, 1889, classified according to the grade of material and supplies furnished; that is, it may have been furnished under contract, it may have been furnished under orders.

[The paper referred to is marked Exhibit 26 of this date.]

Mr. PURROY.— May I say a word?

Mr. IVINS.— Yes.

Mr. PURROY.—Those payments may run up to $2,000, or any sum, and yet cover different contracts.

Q. Then this Exhibit 26 differs from Exhibit 25 in this, that Exhibit 25 is from the period commencing January 1, 1884, to October 15, 1890, whereas Exhibit 26 is from January 1, 1884, to May 1, 1889? A. Yes, sir.

Mr. IVINS.—That distinction has been made because there was virtually a reconstruction of the board by the placing of a new majority in it on the 1st of May, 1889. Consequently one of those lines was only followed down to that period. The other line was followed down to date.

Q. Then Exhibit 26 differs from Exhibit 25, also in this other regard, that Exhibit 25 is confined entirely to payments made under contract? A. Yes, sir.

Q. Whether there was actual competitive bidding or not? A. Yes, sir.

Q. But where an opportunity for competitive bidding had been given? A. Yes, sir.

Q. Whereas Exhibit 26 includes all payments made out of the comptroller's office in excess of $100, whether it was on contract, competitive or otherwise after an opportunity to bid had been afforded, or whether it was without competition or advertisement at all? A. Yes, sir.

Q. And from this Exhibit 26 as it is made up you can identify each particular class which was not under contract, can you? A. I think I can; that is, by referring to the detailed statement.

Q. Now this, which will be marked Exhibit 27, is what [handing paper to witness]? A. This is a statement in detail of the various contracts which have been awarded on account of the fire department from January 1, 1884, to October 15, 1890; it contains a statement of the character of the supplies for which estimates were asked.

Q. As an illustration, just read the first? A. The first one is in 1884, awarded January seventeenth, contract for 6,000 tons of coal, $25,140; contract dated January twenty-second, with Henry E. Bownes, requires delivery of 2,000 tons of egg, 2,000 tons of stove and 2,000 tons of furnace coal, $6,419; sureties John D. Honisbogel and David P. Duncan for $16,000; bidders, January ninth, Winant & Terhune, agent, $4.37, $26,220; B. J. Farrell, $4.59 to $4.97, $28,300; Samuel G. French, $4.22, $25,320; Henry E. Bownes, $4.19; total, $25,140; in other words, it gives the names of the various bidders, the prices at which they estimated on the contract for the award, sureties, etc.

Q. But in many of the cases, as appears from the record, there was, as it happened, only one bidder? A. Apparently.

Q. But the opportunity to bid had been offered? A. Yes, sir.

Q. Now, you just heard Mr. Purroy' stestimony, did you, Mr. Tate? A. Yes, sir.

Q. With regard to the questions which were asked him at the last session of the committee when the fire department matters were under discussion? A. Yes, sir; I heard a portion of it.

Q. And the reference which he made to my statement that you had sworn that these particular contracts which he just testified concerning, were made without opportunity to bid?

Mr. PURROY — Without advertising.

Q. Without advertising? A. Well, if I made such a statement—

Q. You heard that? A. Yes; I heard that statement.

Q. Without referring to the record you recollect having sworn that those particular contracts were all without advertisement? A. No, sir; I do not remember making any statement in reference to contracts; my remembrance of my testimony is this, that the statement in question contains a record of all payments made by the comptroller on account of the fire department where the sums exceed $100, but I did not intend to specify, if I did so state, that they applied simply to supplies, materials purchased under orders, but which represented supplies, materials purchased under orders and contracts together; in fact, all payments that were made under $100.

Mr. PURROY.—He puts the word "contract" under every item that was by contract.

Q. You have made an examination of the pay rolls of the fire department? A. Yes, sir; for the month of September, 1890.

Q. You made it for the month of September, 1890? A. Yes, sir.

Q. And that is the correct statement for that month [handing paper to witness]? A. Yes, sir.

Q. Showing all payments made for account of services rendered to the department by any and all of its subordinates during that time? A. Yes, sir.

[The paper referred to is marked Exhibit 28 of this date.]

Mr. IVINS.—For the purpose of summarizing this matter more closely on the minutes and giving the committee the information which it contains, before going on with the witness, I give generally the summary of this statement of the expenditure for supplies.

Senator FASSETT.— Do you want it to go on the minutes?

Mr. IVINS.—Yes; let it go on the minutes here, because this will appear in a different part of the minutes with the exhibits; this department has expended for coal during the period from January, 1884, to date, $151,425; its forage bills have been $225,322.

Senator FASSETT.—For six years?

Mr. IVINS.—For six years; its hose bills have been $184,290; its new apparatus and repairs of apparatus bills have been $186,725; it paid $4,750 for the passenger elevator in its new headquarters; the additional fire alarm apparatus has cost $161,971; the apparatus for steam heating of headquarters cost $6,000; there was paid to the Brush Illuminating Company $2,595; there were repairs of one kind or another to the floating engines, renewals and improvements to the value of $104,534; there was spent in the erection of buildings and

alterations and repairs of buildings $437,059, making an aggregate of expenditure for buildings, supplies and apparatus by that department of $1,465,572.

HENRY D. PURROY, recalled.

By Mr. IVINS:

Q. Now, Mr. Purroy, all of your expenditures fall under one of two classes, do they not; either payments for services under the pay-roll or payments for supplies of these classes? A. Yes; they would be either of those two classes, contracts or special.

Mr. IVINS.— I call the attention of the committee to this fact, that this is the first department in which we have as yet had an opportunity of examining carefully and comparing the expenditure for services with the expenditure for supplies, or of making an accurate study of the cost of supplies for any one of the great departments of the city.

Q. Now, Mr. Purroy, if these statements —

Senator FASSETT.—The cost of these incidental supplies average about one quarter of a million of dollars in round numbers?

Mr. IVINS.— Yes.

Q. If that statement be correct it ought to prove with the statement you have prepared or *vica versa;* these two statements of our bookkeeper and your statements, if made up from the same sources ought to be identical, although not made in the same way? A. I have no reason in the world to question the accuracy of those statements; I guess they are right; if the request you gave us in regard to investigation cover those, then they ought to compare.

Q. You said you had a statement here of the payments which had been made for supplies that you purchased under contract or advertisement? A. Yes, sir.

Q. Has Mr. Jussen that? A. If you take up either head — I have got them divided into heads, coal, feed and so on; if you take up either head, we will try to get them for you; which will you take up first, Mr. Ivins?

Mr. IVINS.— I will take up coal first; now, if you will explain those contracts just in your own way.

The WITNESS.— I have got a little summary here which I have jotted down [referring to memoranda]; I find that from the investigation by the bookkeeper and secretary, in accordance with the request of the committee, since 1884 there was expended $135,763.93 for coal, every bit of which was on contract.

Q. Will you please restate the dates? A. I could not do that Mr. Ivins, and from this take up the dates.

Q. I thought you just said it in your statement? A. I lumped it first.

Q. In the last six years, you said? A. Yes.

By Senator FASSETT:

Q. When you say on contract, you mean after bids had been received and after advertisement? A. In case of coal; I mean this, that we advertise, and that the option to come in and bid is open to the world; anybody can bid, and whoever bids the lowest and complies at the same time with the terms of the contract—the contract is a severe one—our contract comprises the delivery to eigty odd houses and to sixteen fuel depots, and to various other points.

Q. The contract is all for delivery of material in any specified quarter or to any point? A. In such quantities and at such places as we desire; and that is open to everyone, and the lump sum by contract alone is $135,763.93.

By Mr. IVINS:

Q. Was that for all coal? A. Yes, sir; nothing but coal.

Q. And that includes all classes of coal? A. No; I am just coming to that; without contract, Anthracite coal, not one dollar was spent; without contract, Cumberland coal since 1884, $692.30 was spent; now, you might desire to know the difference with regard to Cumberland and Anthracite coal; Cumberland is a soft coal used by our blacksmiths' shops, and in various other sections of the department, and it is bought in very small quantities at a time; you see in over six years it only amounts to $600; now cannel coal amounts in those six years to $24,916.31.

Q. Who was that bought from? A. That was bought from different parties, but, on special orders, I could not tell you until I go to this paper, just who; but this paper will explain, and if you desire to put it in, it is at your service; now, the cannel coal is English, Inchall, cannel coal; it is the coal which the present chief of the department, and every chief of the department since I have been in the service, and before I was there, has recommended as the best coal for burning in an engine for fires, for the reason that it ignites more speedily and furnishes a prompter and fiercer fire than any other coal that we have.

Q. It is generally recognized as the best steaming coal that there is? A. For our purpose; yes.

Q. As far as I understand it is for any purpose? A. I have seen them burning it in England and freeze you.

Q. I said for steaming; it is known technically as steaming coal? A. You mean for getting up steam?

Q. Yes. A. Well, that has to generate heat first; you could not get up any steam unless you first got up heat; and I have seen them in England put it in a grate and freeze you; now this cannel coal is the English Inchall cannel coal, and it is bought for use in our eighty odd engines solely; it is bought in small quantities; and it is bought as opportunity offers, as English vessels come in laden with coal in ballast; it is bought in small quantities because he had no room to store this coal; it has to be stored in sixteen fuel depots, and a certain quantity in the cellars of the eighty odd engine-houses of the department, and some of it in other sections of the department; and the total amount in that time was $24,916; now, there also is included in that sum total the amount of $752.70, which was expended on coke; coke was also bought in very small quantities; you know its purpose, Mr. Ivins, to get up a fire before you put on the coal; now we buy for our department about fifty dollars worth of anthracite coal a day, and that is all by contract; this statement here gives the different amounts; it is lengthy; but I will read it to you if you like, or put it in.

Q. I find that our statement which has been made by our accountant, and the details of which also accompany the statement, shows on its face that there has been spent for coal under contract, after advertisement, during this period of six years, $151,425, which apparently differs from your figure? A. Anthracite coal?

Q. All coal; that is for all coal under contract? A. Yes; but I have given you first the anthracite, $135,763; none without contract; all by contract; then the Cumberland, $69,230; then the cannel, $24,916.31; and then coke, $752.70; and I don't know, but if added together, I think they give about that figure; they run over different periods; but they are about the same; is that right, Mr. Jussen?

Secretary JUSSEN.—I make it $162,125.25.

By Mr. IVINS:

Q. Even that does not rectify the apparent discrepancy; but the summaries of the contracts show that there was during the period from the 1st of January, 1884, to October 15, 1890, $151,425, all under contract after advertisement? A. Yes; that is as I understand it.

Q. That differs a little from your figures and there must be a difference in amount of contracts to cover it? A. There must be

something of that kind; our bookkeeper furnishes me with these figures after going over the books of the department.

Mr. IVINS.— And this item of $154,125 does not cover either of the three items that you have referred to; that is either Cumberland coal, cannel coal or egg, because they were not after advertisement. Now, I will offer this statement which the witness produces, being a recapitulation of the coal bought on contracts, coal bought on requisitions, and notes on the purchase of cannel coal, which explains or supplements the testimony which the witness has just given, recapitulations of the coal bought on requisition.

Mr. PURROY.— And then the special items to which you called our attention at the last session?

By Senator FASSETT:

Q. I understand the witness testifies that on this cannel coal, on account of the way into which it comes into the market, he does not buy it on contract at all, but buys it as occasion offers? A. That is right.

Q. And you buy it under what you call requisition? A. Under special requisitions.

Q. And the only question is whether you have authority to make those purchases in excess of a thousand dollars? [Question not answered.]

By Mr. IVINS:

Q. You have authority to make those purchases, have you not, unless they are in excess of a thousand dollars? A. Yes, sir; this includes something more than you include; that is all; I believe the Senator asked me a question.

By Senator FASSETT:

Q. I asked you how it was that you could purchase this without letting it out on contract? A. Because one of the sections of the charter says that we have discretion to purchase, not exceeding $1,000, and in this case we have to purchase speedily; we find it for the interest of the city to do so; our supply clerk make requisition on us when the opportunity offers or when one of these vessels come in, and he finds the terms reasonable; it goes before the board; it is referred to the proper committee, reported back and passed, and then the purchase is made.

Q. As a matter of fact, you don't purchase in amounts to exceed a thousand dollars? A. No; we can't score a large quantity; I don't

know if you know the system under which we use our cannel coal; but whenever we go to a fire, our engines carry on the ash pan of the engine a certain quantity of coal and they are not there but a short time when, if the fire is serious, there is danger of it running out; in certain parts of New York we have fuel depots that accompany the apparatus to the fire; but in other sections we send back the fuel wagon to the fuel depots, and they take horses that are disengaged at the fire and go over and bring coal to the fire and then go back to the fuel depots;they are coaling stations, in fact.

By Mr. IVINS:

Q. Have you ever had occasion personally to investigate the claims of the Cumberland mine owners to the effect that their coal is just as good for steaming coal as the English, or the claims of the owners of the mines at Norfolk that their coal is just as good? A. Yes, sir; there is not a single man that furnishes any soft coal that has not been up to the fire department trying to show that his coal is the best, and in every case the chief of department has been called on by me to give a fair hearing and to decide on his expert knowledge this question, and I have based my opinion on his expert knowledge; I go to some of the fires, but not all, and Chief Bonner is much better able to report on that point, and I notice that when Mr. Eickhoff was on the stand, if you will excuse me, you seemed, Mr. Ivins, not to understand why there should be two of the engineers detailed to go around to the fires; do you remember?

Q. Yes; I wanted to know why it was. A. It is true, Mr. Eickhoff didn't know; and Mr. Eickhoff may be a much abler and more talented man than I, and yet not be able to understand it, because the details of the fire service are such that it requires considerable experience to master all of them; the reason is this, the chief and the commissioners on his recommendation thought it was an excellent idea to take two men who were superior, we thought, as engineers, and to detail them as supervising engineers to visit all great fires and watch how the engines worked and how the coal burnt, and all these questions that come up affecting our ability to run our engines at the highest pressure and to pump the most water; and that is what those men do in addition to their other duties.

Q. Has your attention ever been called to the fact that almost all, if not all, of the outgoing transatlantic steamers burn Cumberland or other American coal as a steaming fuel? A. Yes; and my attention has been called nearly every week to the reason that the vessel that is beaten, is beaten because it burns American coal.

Q. Do you know whether you are referring to beats on the outward voyage? A. On either, where they use American coal.

Q. Did you ever hear of their using American coal on the voyage from England here? A. I couldn't be positive of that; but, if they had any over, I suppose they would use the balance; of course, they wouldn't throw it overboard; they are as economical as we are up in the fire department.

Q. If you bought American coal, you could buy that under contract, couldn't you? A. Well, I doubt that, because as I told you we buy the coal for our engines, and we have bought some American coal to experiment with; I remember one time when there were some people who thought that they had a coal that would burn as well as the Inchall and Chief Shay for a time thought that it was worthy of a trial, and we gave them a trial and it failed; and there is another reason than that, and that I have already told you, that our engines are supplied through sixteen fuel depots, and that these fuel depots are old engine-houses, only used in part for the storage of coal and that our ability to store much coal is very limited.

Q. How much more does the English coal cost you than the Cumberland coal? A. I couldn't state that without referring to the figures; we have been so positive, under the positive report of the chief that the English Inchall coal is the best, and not this chief alone, but Shay, Bates and all of them, we have been so positive that they were right, that we have bought no Cumberland, no American soft coal for our engines for some time.

Q. About what is the average price, if you can recollect it, of the ordinary cannel coal? A. I can't recollect it without referring to the figures; I know the English coal is dearer; that is all I can tell you — dearer and better, and I am sorry to say that that is so.

Q. Do you think that is in some measure due to the protective tariff? A. I don't know; I don't think I would buy it just because it was English.

Mr. Purroy [to Secretary Jussen].— Have you a statement there, Col. Jussen that would give Mr. Ivins information on that point.

Secretary Jussen.— Here is a statement showing the average price of cannel coal [producing paper].

Mr. Ivins.— The average price paid was about $12.48 per net ton of 2000 pounds; is that so Col. Jussen?

Secretary Jussen.— Yes sir.

Q. Have you a statement of this same character as to other coal? A. You must remember, too, Mr. Ivins, that that price includes the agreement to deliver it through the department.

Q. To deliver it to wherever you want it delivered? A. Yes, sir; and in such quantities.

By Senator STEWART:

Q. On an average, your engines burn four tons a year? A. That would make a fair average, I think, but you know some engines don't run to but very few fires.

Mr. IVINS [to Secretary Jussen].—Have you a forage statement here?

Secretary JUSSEN.— Yes, sir.

Mr. PURROY.— The secretary calls my attention to this — I don't know whether Mr. Ivins wants to go into that or not — there were a number of things that my attention was called to, that I looked up and which need an explanation. For instance, Mr. Ivins called attention to a payment of " $999, and the Senator laid great stress on the fact that it was just within the limit. I looked that up, and I found that that represented three or four different contracts. It was a payment voucher. It was not a contract.

Q. Then the fact that that figure was there — ? A. That was taken not from our books; that was taken from the finance department; that was correct so far as they stood.

By Mr. IVINS:

Q. Colonel Jussen hands me a statement which is the forage recapitulation? A. Yes, sir.

[Statement offered in evidence by Mr. Ivins and marked Exhibit 30 of this date.]

Q. Will you just explain which you mean to cover by that recapitulation? A. This is the forage?

Q. Yes. A. I will want to look at my memorandum; I made a summary here and perhaps I might read it; I find that in forage since 1884, covering the period I was requested to examine into, that we spent on contract $215,611.72; that we spent in those six years something over $5,961.96 not on contract; now in regard to the price of forage in our department, I want to say that all our contracts are peculiar too, just as in the case of coal; we exact that every contractor shall furnish just in such quantities as we desire from the Battery to Riverdale, at our company houses, this forage; after I was in the department some time, I thought that that was a harsh condition to put in one contract, and I split the contract up, under the idea that if we divided the city the delivery would not be so hard, for they complained of it, and that we would get cheaper rates; we did divide it, and we didn't get cheaper rates, and we went back to the old system.

Q. That is, you would make a contract for deliveries north or south of this or that particular street, whatever your division was? A. Yes, sir; that is it; so that it would enable uptown dealers to bid on the uptown contract, and downtown dealers to bid on the downtown contract; now, in regard to the five thousand and odd dollars that we spent without contract, I am informed that that nearly all covers the periods intervening between the letting of contracts; for instance, when a report was made to us that our forage was running low and that we had better advertise, we would go through the forms which the charter or the Consolidation Act prescribes, and sometimes owing to some delay, may be in our own department, and may be in the comptroller's office in regard to sureties — you know how they occur once in a while — the contract would run out, and we would have to buy from such contractor, as we chose enough to hold us until this contract was approved and let; when we did that, we were always careful to base the special contract on the terms included in the contract that had been bid for, and that was the lowest before us.

Q. In cases where there has been but one bidder —? A. For forage?

Q. For forage? A. Well, that seldom occurs.

Q. Well, I am going to turn here and see how frequently it has occurred.

Mr. Purroy [to Secretary Jussen].— Col. Jussen will you just look at your memorandum and see what cases there have been where only one man bid for forage?

Secretary Jussen.— I couldn't tell that; I have no recollection.

Mr. Purroy.— State from your recollection; I don't remember any?

Secretary Jussen.— My recollection is like yours.

By Mr. Ivins:

Q. I find on the contract of January 12, 1884, that there were two bidders; on that of July 30, 1884, that there were four bidders; I find that Moonan bid on the first of those; that Moonan and Ingersoll were among the bidders on the second? A. Those are the two men that have the plant and that generally succeed.

Q. That is what I want to come to in a minute; on the contract of November 14, 1884, Ingersoll and Moonan; on that of January 28, 1885, Ingersoll and Moonan; on that of May 27, 1885, Ingersoll and Moonan; on that of May 27, 1885, another one, Ingersoll and Moonan and two others? A. Were they Wright and somebody else — there are three or four?

Q. They were Wright and Hoffman? A. Yes; that is it.

Q. On that of August 20, 1885, Williams and Richardson and John Moonan; on August 20, 1835, again, contract for $2,912, John Moonan alone? A. Then, that was under contract.

Secretary JUSSEN.—That was under the division.

The WITNESS.—The secretary calls my attention to the fact that that was the time when we made this division in the city and when it had the effect of driving out competition instead of increasing it.

Q. I find in all the rest of these cases, for instance, the bidding is Ingersoll and Moonan, Moonan, Rickerson and Ingersoll, Ingersoll and Moonan, Ingersoll and Moonan, Ingersoll and Moonan; and then there is a contract let on the 20th of July, 1887, to John Moonan for $8,950, with no other bidder; on the sixth of October of the same year, there is a contract to John Moonan of $10,800 with no other bidder; then the next contract is for an order of $12,065, February 6, 1888, on which Ingersoll and Moonan bid; then May 23, 1888, John Moonan bids alone for $11,480; September 19, 1888, John Moonan bids alone for $12,590; January 23, 1889, John Moonan bids alone for $12,950; August 29, 1889, Moonan and Ingersoll both bid; February 12, 1890, John Moonan bids alone for $7,475; May 21, 1890, Moonan and Ingersoll bid; September 3, 1890, Moonan and Ingersoll bid; August 19, 1886 — this carries us back again — Moonan and Ingersoll bid; January 28, 1887, Moonan and Ingersoll bid; April 22, 1889, Moonan, Ingersoll and Holmes bid; December 9, 1889, Moonan and Ingersoll; April 30, 1884, Wright and Moonan; now, for furnishing forage below Fifty-ninth street— A. That is when we made the distinction.

Q. For furnishing forage below Fifty-ninth street which was awarded July 22, 1884, I find five bidders, among whom were Moonan and Ingersoll, and of whom R. J. Wright was lowest bidder; another contract of the same kind in November of the same year for forage below Fifty-ninth street, Wright, Ingersoll and Moonan bid; still, in 1885, January fourteenth, for forage below Fifty-ninth street, Moonan, Ingersoll and Wright bid; the last of them is May 6, 1884, for furnishing forage above Fifty-ninth street, Wright, McMahon and Moonan bid; during what period, as nearly as you can recollect, was it that you divided the supplies between above and below Fifty-ninth street? A. I couldn't state exactly; I would have to look at the records of the department; but you have said some time in 1884, and to my best belief on the report made to me by the secretary of the result as to rates and as to the quality of horse food delivered and so on, we decided that it was not beneficial and we went back to the old system; I think we didn't try it over, say, six months.

Q. It was in 1884 and 1885, according to these contracts? A. I think so.

Q. What reason, so far as you can ascribe any reason, is there, in your judgment, for bids having been put in in such a number of cases as I have pointed out by only one bidder? A. You have pointed out, as far as I could gather, three cases; they have been so rare that I stated that I didn't know of any cases; I can explain that in this way —

Q. In order to remove all doubt about that, there are seven of those cases, and I will read them, one for $2,912; one for $8,955; one for $10,800; one for $11,480; one for $12,590; and one for $12,950; and one for $7,475; as far as you can ascribe a reason for the fact that there was only one bid, will you do so? A. The best reason was that nobody else bid, because they didn't think there was any money in the contract; it was free to everybody; but the facts of the case were these, long before I entered the department, John Moonan was furnishing feed to the New York fire department; he had the plant, and he was the successful bidder on most occasions; if you will look back to the records, you will see that it runs back long before my time, and if you will run the records down to to-day, you will see that where there is competition, it is confined to two or three men; Moonan is chiefly successful; then comes Ingersoll and then comes Wright, and they are the only ones that we have been able to induce to bid; we would be very glad to welcome anybody who would bring more competition there for our contracts; I don't know any of these men, except when I see them at headquarters.

Q. Have you, or has anyone at headquarters, when the advertising has resulted in but one bid in this way, taken any particular steps to check off the bid and see that it was not above the market or to discover what it was? A. Yes; the bookkeeper has always followed the quotations in regard to food, and if there was any difference in the amount bid and the market quotations, such as to excite our attention, he has brought it to our attention; I know of no such case, and as I told you, in deciding that question of price, you must consider the terms of the contract as to delivery.

By Senator Fassett:

Q. Is it your experience that furnishing supplies on contracts or on bids advertised, is any saving to the city; is it the most advantageous way to buy supplies? A. In certain cases I should favor it altogether; in certain other cases I should oppose it decidedly.

Q. For instance? A. I should select the case of cannel coal as one that illustrates may be the most brilliant exception.

Q. Is the system of purchasing upon contract, any guaranty of security to the city, do you think? A. It is where the officials are honest and watchful and see that the contract is carried and the article is one which ought to be bought by contract.

Q. The contractors have plenty of opportunity to make arrangements with each other? A. Yes; they have opportunities to make arrangement; that is so; I have seen instances myself where my suspicions were excited as to whether they didn't stand in with each other; but then I couldn't prove that.

Q. You couldn't avoid that in any way? A. No; I know a brilliant case that we are getting raked up about, now, the manure contract.

By Mr. IVINS:

Q. Do you mean your fire department manure contract? A. Yes; we used to remove all our manure very economically, and as we thought very expeditiously; but all the men who were doing the work combined together, and they sent all kinds of anonymous letters to Mr. Hewitt; Mr. Hewitt never tore up an anonymous letter, and all he asked was, an anonymous letter to write a letter to a department; well we got such letters by the stack, and we were told that our engine-houses were offensive, and that the method was wrong, and so on, and that we must remove this manure in a different way, more speedily and so on — conditions imposed on us; we went to these men, and they all struck; we went to them to bid, and they only put in one bid, and they all stood together, and they have stood together until to-day; first, they created the cry and got the letters from the mayor's office, and when they got up the hue and cry, then they all stood together, and now we are paying for the removal of manure four or five times what we were beforehand.

Q. What powers do you need to remedy that state of things; haven't you got ample powers, or what powers do you need? A. It would be a pretty hard thing to reconcile the difference of the various departments of the city of New York, and I think no one knows that better than you; our houses were built under laws as they stood at the time they were built; it was then deemed most advisable to put the manure pits in the sidewalk; a new health board comes in and they think manure pits in the sidewalk are most dangerous to health, and they tell us we must not put the manure in the pits in the sidewalk; the health board gives us that rule; that rule is binding, and we can't offend against it; what do we have to do?

Q. You are subject, as any other private corporation is, to the sanitary authorities? A. That is so, and I don't want to be led into advocating any arbitrary powers; I am opposed to all arbitrary powers.

Q. They have some pretty arbitrary powers in the sanitary department, haven't they? A. Yes, sir; in the sanitary department; but I mean the fire department, in remedying these defects; I would seek to comply with the conditions.

Q. As you don't carry manure to the pits in the sidewalk, how do you carry it and store it, and how often is it removed? A. We remove our manure now, sometimes three or four times a week, and sometimes every day in certain sections of the city, and it is costing a great deal.

Q. Do you keep it in houses till removed? A. No; we put it in pits, and they want us to bale it.

Q. Do they want you to bale it? A. They want us to bale it, to press it and bale it; that is one of the health department methods; when it was out in the street it was put way down under the street in a big vault specially built for it; sometimes there used to come fumes through the cover; instead of that, in compliance with their rule, we put it in engine-houses, where the men can have the benefit of it, and it is a most offensive affair in some of our houses.

Q. Who is buying your manure now? A. We can't get any one to buy our manure now; it is hard to get anybody to buy fire department manure anyway, for this reason, that it is very largely mixed with straw, and when we have to take it away, our houses being in the populous part of the city, it is not well rotted, and the best that we could ever do was to get neighboring contractors, who had some use for manure of some kinds, to come and take our manure from our engine-houses without any cost to us; that was especially so uptown

Q. So at that time, while getting no return for your manure, you had it removed freely? A. That is it.

Q. Now, you not only get no return, but have to pay for its removal? A. We have to pay; they want ten dollars a horse and we have let them.

Q. What do you mean, ten dollars a horse for what length of time? A. Ten dollars a horse per year; you will see that will amount to a great deal.

Q. How many horses are there? A. That is a pretty good test of memory.

Q. I mean on the average? A. I should say about 365 horses, one for each day of the year.

Q. They take it where they please? A. They do as they like and they sell it; the comptroller wrote up to us — this is an old subject—and he told us that he thought the park department would take this manure from us and that we would save a great deal if we did that; at once I communicated with the park department, and the park department would not take it from us, but the park department would take a limited supply, fit, in their judgment, for the purposes that they needed it for, if we delivered it to them wherever they wanted it in Central park, and we couldn't very well turn our firemen out and do that.

Q. You know that during the winter the sward in the park is overlaid, as a rule, with manure? A. Yes, sir.

Q. Do you know of any reason why this manure is not as good for that purpose as any other? A. I am not very good on the horticulture or that kind of business, but I know this manure in the park — I drive up there every day — is very offensive; it is rotting; it is good manure, and ours, as I told you, is largely composed of straw, and I don't think it would do for the purpose of top dressing at all, though I am not posted in that business.

Q. Now, let us come to the hose contracts; Mr. Jussen has handed me those papers [handing witness papers]; you can identify them in their order so that they can be marked, and then explain them? A. I have made a summary of that just as I have in every other case.

Q. Won't you identify these in their order, showing what each particular one means, so that I can have them marked? A. How do you mean identify them; those are correct.

Q. I want to give them some proper designation; this paper, which will be Exhibit 31, is a recapitulation of the hose purchased under contract after advertisement; is that correct? A. I think so; I have got that all down here.

Q. Exhibit 32 is for fire engine hose purchased on requisition, not under contract after advertisement? A. Yes, sir; I think so.

Q. Exhibit 33, suctions and hydrant connections purchased on requisitions, not under contract after advertisement; is that correct? A. I think that is.

Q. Here is a statement of certain purchases on requisitions? A. No; these are not purchases, they are the amounts in the different years.

Secretary JUSSEN.— Those are the summaries of the different years.

Q. Exhibit 34 appears to be a summary of the purchases on requisition, not under contract after advertisement, made during the years 1884 to 1889, and 1890 from the Eureka Fire Hose Company, the

Gutta Percha and Rubber Manufacturing Company, and the Peerless Manufacturing Company, and an explanation? A. Yes, sir.

[The papers above referred to are offered in evidence by Mr. Ivins and marked Exhibits 30 to 34, both inclusive.]

Q. Now, will you give me your summary of the summaries? A. I have a great many notes on this subject; but I will wait until the questions come up; I will say first off that I find since 1884, there has been purchased on contract hose amounting to $180,690, and that without contract there has been purchased engine hose, $11,346.92; suctions and hydrant hose, $10,260.24, and miscellaneous articles connecting with the hose, such as small hose and various other things connected with it, $7,899.

By Senator FASSETT:

Q. Have you a copy of the contracts under which those are purchased?

Mr. PURROY [to Secretary Jussen].—The Senator wants to know if you have a copy of any hose contract?

Secretary JUSSEN.—Not of any recent one.

Mr. IVINS.—It does not make any difference—any time within the last six years.

Secretary JUSSEN.—It does not come within the last six years.

Mr. PURROY.—I can tell you Mr. Ivins.

By Mr. IVINS:

Q. Let us begin with the hose purchased under contract; as a matter of fact, most of the hose purchased under contract after advertisement are patented articles, are they not? A. Yes, sir; articles that have a brand or a trade-mark, which makes them patentable.

Q. What is the result of advertising for the supply of hose of a particular brand; does it not virtually limit the bidding to the single concern manufacturing that particular brand? A. This question of hose is one I am very glad to see taken up, because it has been one that has constantly been before the fire department, long before I entered the fire department and since I entered the fire department; if you will permit me, I would like to have thy secretary hand me the correspondence of the fire department when Mayor Hewitt first brought to our attention, this question of purchasing hose by advertising and stating in our advertisement what practically limited it to one brand of hose.

Q. Did you not so advertise prior to that request of Mayor Hewitt? A. Yes; but he was the first one, and I am not picking him out, but he was the first one who wrote a letter to us on the subject, and when he wrote the letter to us, it brought up this full explanation of this

question and it was written by myself, and, if I may be permitted to say it, I made it as concise as I could.

Q. Now let us get the correspondence? A. There are a great many other things on this point that I am only to anxious to state.

By Senator FASSETT:

Q. It is a fact that specifying the kind that you want in a bid would necessarily limit the bidding? A. Yes, sir.

Mr. IVINS.— We will come to that later.

Mr. PURROY.— If the stenographer will read, you will find that I said that Mr. Hewitt wrote to us complaining of us designating the brand, which practically limited the bids to a certain kind of hose, so that I admitted that that was the fact. Mr. Hewitt wrote to us, and this was the letter I wrote to him in reply.

Q. Have you Mr. Hewitt's letter? A. Yes, sir.

Q. Let us have Mr. Hewitt's letter first? A. Here it is [producing paper].

"H. D. PURROY, Esq., *President:*

"SIR.— I am in receipt of communications from various parties, complaining that the advertisements for steam fire engines, hose and other articles required by the department, are so drawn as to exclude them from competition, and practically to limit the purchases of the department to patented or specially fabricated articles. I have examined the advertisements, and find that these complaints are well founded. The usual rule, in public and private business, is to specify results, and to provide for tests, which must be rigidly complied with, but not to require specially patented articles, because, until the bids are opened, it is impossible to say whether there are not better results to be obtained from non-patented articles. If you continue to adhere to the form of advertisements which I have observed in the *City Record*, you practically close the gates of progress, and deprive the city of the benefit of lower prices, which competition is sure to produce. You will, therefore, be so good as to send me the form of advertisement which you propose to issue hereafter in any particular case," — he stepped in, and was going thereafter to introduce his method — "in advance of its actual publication, so that I may see whether it complies with what I regard to be sound principles of business.

"Yours, respectfully.

"ABRAM S. HEWITT,

"*Mayor.*"

To which I sent the following reply:

Q. What is the date of that letter?

Senator FASSETT.— The letter of Mayor Hewitt is dated May 12, 1887.

The WITNESS.— I answered him May 21, 1887, as follows:

"Hon. ABRAM S. HEWITT, *Mayor:*

"SIR.—In reply to your letter of the twelfth instant, informing me that you are in receipt of complaints that the advertisements for fire engines, hose, and other articles, are so drawn as to exclude competition, the receipt of which letter was acknowledged on the sixteenth instant, I have the honor to submit the following:

"Your letter does not intimate that the complainants allege that the advertisements complained of are contrary to law, and, therefore, without arguing that point, I shall content myself with referring to the opinions from the counsel to the corporation on file in this office, dated respectively January 22, 1878, and March 27, 1880, which fully uphold the legality of the course pursued by the department.

"In 1881, when I entered the department, I found that for many years it had been the practice, whenever engines and hose were needed, to advertise for a particular kind of engine or hose. Being of the opinion that competion should always be secured when practicable, I examined the matter closely, with a view to bringing about a change; but reluctantly came to the conclusion that advertisements calling for competition were in certain cases impracticable, and not for the best interests of the city; first, because it was absolutely essential to the efficiency of the fire service that only the very best articles should be obtained, and because, secondly, it was thought that the question as to what was really the best article could be determined more accurately by the experienced judgment of practical experts in regard to articles already manufactured than it could be by attempting to minutely describe all the various points of excellence of the best article, and then accepting as such whatever was thought on test to come up to the advertised description.

"All first-class fire engines, and all hose of superior quality, are wholly or partly covered by patents owned or controlled by some individual or company. Fire-engine builders and hosemakers are very desirous of introducing their engines and hose into the New York fire department, for the reason that it secures to them trade with smaller cities, and, therefore, in their anxiety to sell to New York they usually offer fair terms, and, as a rule, are willing that their goods be used here on trial for a reasonable period free of all charge.

We thus have ample opportunity to thoroughly test them before purchasing, and we always avail ourselves of this opportunity. Among the best fire engines are supposed to be the La France, the Clapp & Jones, the Amoskeag, the Ahrens and the Silsby, which at the present time are all to be found in this department, and the 2,500 fires"— that has gone up now — we have more fires now in this city than in London; but at that time it was 2,500 —"which annually occur here, soon disclose to the chief of department and his subordinate officers the relative merits of these different machines. Of late years we have had several public tests of the different standard fire engines, and the result thereof has been to confirm us in the conviction that we were obtaining the very best article.

"The custom in this department in purchasing engines or hose has been to require the chief of department to state to the board in writing the kind of engine or hose which in his opinion the immediate needs of the service demanded. If his opinion was approved, the article needed was advertised for in accordance with law; but in every case where the article to be purchased was patented, an informal proposition as to its price was first required and a comparison made with the sum paid for it by other cities.

"When afterwards the formal bid was open, if there was any deviation from the informal proposition, the bid was at once rejected.

"As in the case of the fire engines, nearly all kinds of hose of superior quality are represented in this department, and you can judge how stringent we have been in our requirements when I inform you that we have exacted a guarantee from all contractors for hose, that they will repair or replace, free of cost, all hose found to be damaged or to be inferior in quality, at any time within three years from the date of its being put in service; provided the damage was not the result of fire, etc. This guarantee is rigidly enforced, and has resulted in great saving and benefit to the city.

"Several years ago, the fire commissioners advertised for 15,000 feet of rubber hose, describing the points of excellence required, and leaving it open to any one to bid, and after a test" — that was before my time — "the contract was awarded to the lowest bidder. Time showed the hose thus procured, to be far inferior in quality to that previously purchased by the department for, in the language of the chief, it just tided the department over the winter and then broke up.

"The rule that advertisements should be so drawn as to leave the bidding thereon open to competition, if adopted, will apply to the purchase of all articles whose cost exceeds $1,000.

"Your attention is respectfully called in this regard to the fact

that the business of saving life and putting out fires is one of a very peculiar nature, and that nearly all the most valuable appliances and apparatus used by firemen are patented; as for instance, the scaling ladders, the life belts, the water tower, the Hayes truck, etc., etc., etc.

"The present commissioners have heretofore pursued the course of purchasing only such appliances and apparatus as experience and use had shown to be the best, as well as the least dangerous, bearing in mind the terrible result which, not many years ago, followed the introduction into this service of a ladder which had been thought to have been thoroughly tested, and which was supposed to be a safe advance in the line of improvement,— there were a number of men killed.

"If a person could be found able to describe the best apparatus with absolute perfection of detail, if then a test could be devised which would with infallibility expose any defect in the article tested, no one could reasonably dispute as to what ought to be the course to be pursued in the purchase of articles for the fire department. In theory it may be claimed that it is quite possible to find such a person and to apply such a test; but experience has shown the difficulties and dangers in the way of such a course, and it has not been deemed wise to experiment at the risk of lowering the efficiency of the department or of endangering the lives of our force.

"HENRY D. PURROY."

As I said in that letter, when I came into the fire department, I found that to be the fact. I also found this to be the fact, the president of the department at that time was the gentleman who is now postmaster, and he had been for a long time in the department.

Q. You mean Mr. Van Cott? A. Mr. Van Cott; he had been for a long time in the fire department, and he had a great deal of experience there, and was an efficient member of the commission; he was in the department when they bought the only hose that they ever bought in its history, that I know of, when they tried to describe the article and let everybody come in and bid for it, and it was given to whoever bid the lowest; and he was the one to whom the report was made that it should not be done; that the hose bought at the lowest price just tided over the winter and then all broke up; he told me at that time, and he has reminded me since, that at that time the commissioners went down and consulted the then mayor, Mr. Havemeyer, and that Mr. Havemeyer then laid down as a rule for the fire department, that they should not experiment with the lives or with the property of the city, but that they must buy these patented articles

which they considered to be the very best, in accordance with the rule which prevailed in this city theretofore, and in every city in the union, and in every city throughout the world where there is an efficient fire department; now, in regard to Mr. Hewitt's letter, if you will notice in Mr. Hewitt's letter he said "before you advertise"—he was going to show us how we could get the best hose—"before you advertise hereafter, you must furnish me with a copy of the advertisement so that I can go over it and see whether it is in accordance with business methods;" it was not long before the chief reported to us that our hose was run down and that we wanted more hose; I bore it in mind, and I sent down to Mr. Hewitt and asked him to please tell us how we would buy the hose; Mr. Hewitt informed me that I was entirely mistaken; that he never made any such request, and to go on and buy the hose the way we wanted to ourselves; I have his letter here if you want to see it; I wanted him then to take the responsibility in regard to ladders and other things, bringing in his judgment; here is his letter:

"NEW YORK, *March* 14, 1888.

"HENRY D. PURROY, Esq., *President:*

"SIR.—I return herewith the forms of contract referred to in your letter of the fourteenth instant, with the statement that I did not, on the 12th of March, 1888, request that these contracts should be submitted to me, and I am at a loss to understand this statement in your letter"—I have never contradicted Mr. Hewitt, but I have read you his letter—"I have no suggestions to make in regard to the contracts, but I assume that the statement of your chief of department is sufficient reason why the order should be given. I take it that the price is a reasonable one, and I suppose that it has been made after the due publication of proposals. I have no objection to the purchase.

"Yours respectfully.

"ABRAM S. HEWITT,

"*Mayor.*"

Q. Since that time you have been pursuing the same system? A. No; this is a very lengthy question; I have my little memorandum book here, and I would like to refer to it.

Q. Get your little memorandum book and go through the question. A. Certain gentlemen who had been coming to the fire department and assuring us that the chief was wrong; that he was recommending to us hose that was not the best hose—

Q Whom do you mean? A. I don't remember now; there is a whole crowd of them; the number of people who had patented

hose, and who tried to get their hose into the department is very numerous, and some of these people wrote to the comptroller, and the comptroller, when we awarded a contract to some one of the hose dealers that bid, before he would approve of the sureties, withheld the matter and asked us if we could get on for a while, and I was very glad to have Mr. Meyers take it under consideration — I have always had pleasant relations with him — and I said, "yes, certainly;" he referred the matter to the corporation counsel before this should be done, and the corporation counsel than gave an opinion.

Q. This was subsequent to this correspondence with Mr. Hewitt? A. Yes, sir.

Q. In the correspondence with Mr. Hewitt, you referred to two opinions of the corporation counsel? A. Those are old ones.

Q. We ought to have those too? A. I have got them all here; I have got everything that I could think you would want.

Q. Let us have those opinions of the corporation counsel and I will mark those as exhibits. A. [Producing papers.] These are all we have got now; somebody will come at us again about those matters, and I wouldn't want you to take those.

The two opinions of the corporation counsel offered in evidence by Mr. Ivins and marked Exhibits 35 and 36 of this date, read as follows:

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, *January* 22, 1878.

HON. VINCENT C. KING, *President of the fire department:*

SIR.— From your letter to me of the twenty-eight of December, ultimo, the following facts appear. The commissioners of the fire department desiring to obtain a quantity of hose suitable for the use and purposes of the department, on October 12, 1877, adopted the following preambles and resolution :

WHEREAS, This department is unable to obtain a suitable article of hose for its use by the usual method of advertising for proposals for furnishing the same; and,

WHEREAS, All suitable hose is patented, and section 115 of the charter prohibits the purchase of patented articles, except upon the conditions prescribed by the board of estimate and apportionment; therefore be it

Resolved, That the board of estimate and apportionment be, and they are hereby requested to prescribe the conditions under which this department may procure 15,000 feet of hose, suitable for its use and purposes.

The board of estimate and apportionment, in compliance with said request, on the 15th of November, 1877, adopted the following resolution:

Resolved, That under the provisions of section 115 of the charter of 1873, the board of estimate and apportionment, hereby prescribe the following conditions for the purchase of 15,000 feet of hose required for the use and purposes of the fire department, as stated in the communication of October 17, 1877, namely:

The fire department shall advertise in the manner prescribed by section 91 of the charter, for proposals to furnish 15,000 feet of hose, suitable for its use and purposes.

The fire department shall award the contract for hose, the quality, capacity and method of construction of which shall, in the judgment of the department, be best suited to accomplish the purpose for which it is desired, to the person who shall be the lowest bidder therefor.

Under the authority so given, the fire department, on December 1, 1877, advertised for proposals for furnishing such hose, and the advertisement contained, among other things the following:

Sealed proposals for furnishing this department with 10,000 feet of two and one-half inch, three or four ply hose, suitable for the use and purposes of this department, in lengths of fifty feet each, with New York thread coupling attached, to be capable of resisting a pressure test of 400 pounds to the square inch, and to be warranted to bear the wear and tear of this department for a term of two years. (For which a special guarantee will be required), will be received at these headquarters, until 10 o'clock A. M. Wednesday the nineteenth instant, when they will be publicly opened and read.

The commissioners reserve the right to reject any or all of the proposals submitted, if deemed for the interests of the city.

In response to this advertisement the following bids were received:

No. 1. From the Boston Elastic Fabric Company, 10,000 feet four-ply rubber hose at.....	$8,400 00
No. 2. From Stephen Sibley, Chelsea, Mass., 10,000 feet American rubber-lined cotton hose with jacket, at eighty-five cents per foot	8,500 00
No. 3. From the New York Belting and Packing Company, 10,000 feet four-ply rubber hose for..... ...	7,800 00
No. 4. From the Gutta Percha and Rubber Manufacturing Company, 10,000 feet carbolized hose, "Maltese Cross" four-ply with five-ply and capped ends, fifty-five pounds to the length, at ninety-four cents per foot	9,400 00

No. 4 B. From the same, 10,000 feet carbolized hose (as above), eighty-five pounds to the length, at ninety-nine cents per foot	$9,900 00
No. 4 C. From the same, 10,000 feet carbolized hose (as above), fifty pounds to the length, at eighty-nine cents per foot	8,900 00
No. 5 A. From Whitehead Brothers, 10,000 feet three-ply fire hose, for	7,800 00
No. 5 B. From the same, 10,000 feet four-ply fire hose, for	8,400 00
No. 6. From the Eureka Fire Hose Company, 10,000 feet "Eureka" three-ply cotton hose at one dollar per foot,	10,000 00

You state that the question has arisen whether the board of fire commissioners has authority under the law and circumstances above referred to, to select either of the kinds of hose thus offered, and to award the contract to either bidder, provided he be the lowest for the particular kind selected, without regard otherwise to the price at which the other kinds not so selected may be offered. You also state that it has been presumed heretofore, that the board had such authority, and that it is of great importance to the fire department that the board should have the right to select the hose deemed best for its use and purposes, even though the price paid should be higher than that at which another kind not deemed equally fit for its use and purposes, may be offered; and that the department has once before suffered by being compelled to accept the lowest proposal at a letting, not preceded by the preliminaries observed in this instance.

I think the fire department and the board of estimate and apportionment in this matter have acted under a misapprehension as to the correct interpretation of the provisions of section 115, of the chapter of 1878, as amended by section 22 of chapter 757 of the Laws of 1878; I have heretofore several times had occasion to consider the meaning of this section of the charter, and the conclusion at which I arrived was, that the provision in regard to the manner of purchasing patented articles related only to such patented articles as should be used for repairing pavements; all the other provisions of the section in question, relate to pavements, and I think this fact, and also the language used, clearly show that it was not the intention of the Legislature to make provision in this section in relation to the purchase of patented articles generally, but only those which were used for repairing pavements; I have accordingly heretofore advised the finance department, in an opinion, dated January 29, 1876, that the depart-

ment of public works had the right to purchase patented fire hydrants without the authority of the board of estimate and apportionment; I have also in an opinion, dated November 30, 1877, advised the commissioner of public works, that he had a right to purchase patent ventilators for the new court-house, without such authority.

I am of the opinion, therefore, that it was not necessary for the fire department to obtain the authority of the board of estimate and apportionment, for the purchase of patent hose, and also of the further opinion that the resolution adopted by the board of estimate and apportionment, did not authorize the fire department to purchase such patented hose in any other manner, or on any such conditions than as prescribed in section 91, of the charter of 1873.

Under these circumstances, I think the proper course for the fire department to pursue in this matter, is to reject all the bids that have been received, and that such rejection should be made for the following reasons:

(1.) The action of the board of estimate and apportionment not having been taken under any authority of law, is of no effect.

(2.) The fire department in framing its advertisement, acted on the supposition that the resolution adopted by the board of estimate and apportionment was valid and the terms of such advertisement are different from what they would have been, if the department had not relied on such resolution; having acted under a misapprehension, the department is not under any legal obligation to accept any of the bids.

(3.) Under the terms of the advertisement, it is not entirely clear, that under the provisions of section 91, of the charter of 1873, the department would have the right to award the contract to any except the lowest bidder.

(4.) It is impossible to determine who is the lowest bidder, because the New York Belting and Packing Company, and Whitehead Brothers, each offer to furnish 10,000 feet of hose for $7,800. Where the lowest two bids are alike, I do not see how it can be determined who is the lowest bidder, and it would seem to be necessary in such cases, to reject all the bids.

With regard to the course to be taken by the department, in order to secure a quality of hose, suitable for its purposes, I would respectfully make the following suggestions:

(1.) Under section 91 of the charter, the common council can, by a three-fourths vote of the members elected thereto, authorize the fire department to procure such hose in any manner that the common council may see fit to approve; or, the common council may leave it to the discretion of the commissioners of the fire department to procure such hose in such manner as they see fit.

(2.) If the commissioners do not deem it advisable to apply to the common council for such authority, it seems to me that they can prepare an advertisement in such terms as will prevent offers to furnish any kind of hose except such as will be entirely suitable for the purposes of the department. It is well to reserve, in the advertisement, the right to reject any or all bids for what it may be worth.

I am, sir, yours respectfully.

W. C. WHITNEY,
Counsel to the Corporation.

EXHIBIT 36.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, *March* 12, 1890.

Hon. THEODORE W. MEYERS, *Comptroller:*

SIR.—I have received your letter of the fourth instant, inclosing an advertisement of the fire department for proposals for furnishing rubber-lined fire hose, Maltese cross brand; also, Eureka fire hose brand.

Your letter asks whether, in view of the provisions of section 63 of the Consolidation Act, such articles can lawfully be purchased by the board of estimate and apportionment to secure reasonable opportunity for competition.

The section of the Consolidation Act to which you refer, provides especially in relation to patented pavements and the repairs thereof.

Similar inquiries have been addressed to the law department on prior occasions, and it has been uniformly held by my predecessors that the conditions prescribed in the section named, apply only to the purchase and repairing of patented pavments, and do not include the purchase of other patented articles, such as the hose in question.

The following, amongst others, are the opinions to which I refer:

1. The finance department, January 29, 1876, in relation to purchase of patent fire hydrants.

2. To the commissioner of public works, November 30, 1877, in relation to patent ventilators.

3. To the department of charities, February 3, 1881, in relation to patent valves and traps supplied to the new insane asylum.

4. To the fire department, January 22, 1878, in relation to patent hose.

5. To the board of education, July 23, 1881, in relation to patent furniture and copyrighted articles.

It will be observed that one of the foregoing opinions related to the purchase of patent hose by the fire department, and is therefore a direct precedent for the purchase now proposed.

I am not disposed to depart from that interpretation of the section in which my predecessors have uniformly concurred.

I therefore advise you that the bids in question may be received and the contract awarded without invoking action by the board of estimate and apportionment.

Very respectfully.

WM. H. CLARK,
Counsel to the Corporation.

Mr. PURROY.—The comptroller knew of these old decisions of the corporation counsel, for I called his attention to them; but he wanted new decision by the new corporation counsel, Mr. Clark, and he withheld his approval of the sureties, and the corporation counsel then gave the decision that it was in the nature of the service that we should purchase, and that we had the right to advertise as we did.

Q. Have you that opinion? A. Yes, sir; it is a very short opinion, and refers to the others, and agrees with them.

Q. In order to understand exactly the position, I will call your attention to the essential features of this last opinion of Mr. Clark's.

[Mr. Ivins then read portions of the opinion referred to.]

Q. Section 63 of the Consolidation Act reads: "Except for repairs, no patent pavement shall be laid, and no patented article shall be advertised for, contracted for or purchased except under such circumstances that there can be a fair and reasonable opportunity for competition, conditions to secure which shall be prescribed by the board of estimate and apportionment;" now, as a matter of fact, has the board of estimate and apportionment ever prescribed conditions for these patented articles? A. No; but the chairman of the board has especially taken care not to prescribe them, as you saw in the case of Mr. Hewitt; I only wanted him to do so.

Q. Has the board, as a board, ever prescribed? A. No.

Q. Has the board, as a board, ever called your attention to these contracts? A. The board of apportionment, never.

Q. Have you, as a board, ever called the attention of the board of estimate and apportionment to section 63, and asked for any co-operation with them or on their part in that regard? A. Never; we have asked the corporation counsel, and have been advised by him what to do, and we have, in each instance, where we let hose or engines, or

anything else, submitted to him the form of contract, and had his written indorsement and approval of the firm on the back.

By Senator FASSETT:

Q. It amounts about to this, doesn't it, that most of the apparatus for the actual extinguishment of fires and preservation of life is covered by patents, which are owned by individuals or corporations, and that in getting what you want, and what your judgment, under your experience, tells you is best for your department, you substantially have to purchase from these people who own these patented articles? A. Yes, sir; you will find that out in your city or anywhere else; you can't by a Hayes truck or you can't buy a scaling ladder.

Q. The Hayes truck and La France engines are made up in my city. A. I know they are, and they are very excellent; the La France engine, in my opinion, is one of the best engines; it steams quickest, and throws most water, and is a splendid engine, and you can't buy any of these articles except buying them as patented articles.

Q. I want to understand your position fully; you don't think it would be safe, so far as the best interests of the city and of the department are concerned, to undertake to advertise for bids to supply certain lines of goods within general specifications, and then submit the goods themselves to a test, or to buy upon samples? A. Not to a test after you buy them; the test should be made before you buy them; and I find it impossible on my part, and I have found nobody yet able, with infallibility, to prescribe perfection; I find the safest guide is, and this has run right down through the whole succession in the fire department — I find the safest guide is, if you have got a reliable, competent, trustworthy, honest chief, to take his opinion as to what he needs to keep his service up.

Q. After you have found an article, for instance, in the hose line that is satisfactory, and that your chief approves under this system, you would substantially remain content with that article, so long as the manufacturers kept it up to the standard of its uniform excellence? A. Yes, sir.

Q. How would you get any improvement of hose? A. We have a way of doing that; every one of these gentlemen that come in to us, and there are hundreds of them showing that they have got the best engine in the world, or the best scaling ladder in the world, or the best hose in the world, we say to them: "Very well, the hose we are buying now is the hose that we think is the best according to our present lights; but you may have such an article; if you will present here a written agreement that you will place sufficient of that article

to enable us to thoroughly test it in our department under the supervision of the chief, where it can be thoroughly tested, without — and you must especially put that in writing — without any liability upon the part of the city to pay you either for the time it has been used, or any obligation to purchase it at the end —"

Q. Or any damages? A. Yes, sir — "then, we will take it in," and we do that frequently; and that was another thing that Mr. Eickhoff was asked in regard to, as to the hose which was not invoiced; you know we only invoice the hose that belongs to the companies.

Q. You explained that before, and your explanation is already on record? A. Then I won't repeat it.

By Senator FASSETT:

Q. One further question; you followed this right along and it amounts again to this, does it not, that this advertising for bids on patented articles of a standard and uniform excellence, which you have tested, is simply a literal compliance with the law? A. That is right.

Q. But of necessity a substantial evasion of it? A. No; I wouldn't say it was a substantial evasion of it; it is a literal compliance in the way that we have been advised by the only person who can aid us by telling us what is required to be done in this sort of a difficulty.

By Mr. IVINS:

Q. Let me state that question; there was a provision in chapter 335 of the Laws of 1873, which was the charter of that year, with regard to patent pavements; that whole section seems to have referred, and seems by Corporation Counsel Whitney, to have been understood to refer exclusively to patent pavements; chapter 335 of the Laws of 1873, was amended a number of times in different respects and so far as effected certain of its sections, until 1882; in 1882, chapter 335 of the Laws of 1873, was, with its amendments and numerous other laws, consolidated into this present Consolidation Act, and the question is arising continuously as to what the proper interpretation of this Consolidated Act is, how far it is merely declaratory, how far it really has affected amendments or repeals; now, this particular section at this time, under which this board is operating and under which the board was operating at the time the opinion of Mr. Clark was passed in does not confine itself to pavements, but reads as follows: "Except for repairs, no patented pavement shall be laid, and no patented article shall be advertised for;" it does not on its face confine the patented article to a patented article connected with pavements; it does on its

face only confine the patented article to a patented article connected either with the repairs, if there is any recommendation or it excludes patented articles generally; it says: "Shall be advertised for, contracted for or purchased, except upon such circumstances that there can be a fair and reasonable opportunity for competition;" it is apparent, to my mind, that the Legislature had in view at the time it passed the law of 1873, not only, but at the time that it re-enacted so much of the law of 1873, as is included in this section, that it had in mind the very difficulties to which Mr. Purroy has been alluding, that is, the difficulties of getting a fair and proper competition in cases where patented articles are required, and that for the purpose not of leaving that in the hands of any particular board or single commissioner, as for instance, the commissioner of public works, who is a single individual, and upon whom there is no check, and concerning whose requisitions for patented fire hydrants these questions first came up that it should not be left, as I say in the hands of any single commissioner or board, but should be put under the check or control in some way of the finance board of the city, that is the board of estimate and apportionment; now, the corporation counsels appear to have held that that section does not so mean; Mr. Clark's opinion enters into no argument at all, but says he has examined these anterior opinions and those anterior opinions are based upon Mr. Whitney's opinion, and Mr. Clark's opinion is based upon that, that the whole section of the laws of 1873 seems to refer to pavements and only to pavements, whereupon, he, Mr. Whitney, authorizes the comptroller to pay the bills incurred by Mr. Thompson as commissioner of public works for patented fire hydrants, which are virtually put entirely into Mr. Thompson's hands by virtue of that decision, Mr. Thompson, being able, without going to the board of estimate and apportionment, or submitted his work to them, to advertise in the way that he sees fit.

Mr. Purroy.—Not Thompson.

Mr. Ivins.—It was Thompson at that time, to advertise it in the way that he sees fit, and one bidder only can possibly bid under the form of that particular advertisement. Nevertheless that seems to be justified by Mr. Whitney's opinion. That opinion carries down to to-day and that is the practical interpretation of the statute even in its amended form, and the question now arises as to whether or not this committee will want hereafter to recommend some amendment to that section, for the purpose of making its interpretation perfectly clear and certain, making its meaning secure.

Senator FASSETT.— Under the interpretation of the corporation counsel, that interpretation is the law so far as the departments are concerned.

Mr. IVINS.— That interpretation is the law, and the Court of Appeals has gone very much further in that regard, and it has held in a number of cases that where an interpretation by the officials called upon to enforce the law has been of long and continuous standing, that interpretation, virtually, has the weight of a judicial decision.

Mr. PURROY.— Yes. I wouldn't be safe unless I followed that interpretation. Mr. Ivins makes an argument against the position of Mr. Clark; but I wouldn't be safe in following Mr. Ivin's argument, no matter how much I respect his opinion, although I think that I could submit an argument here on the other side.

Mr. IVINS.— I don't make any argument in opposition to Mr. Clark. I simply state the two contentions and put them face to face. I simply read the section as it stands, tell what its interpretation has been. I don't mean to say that Mr. Clark's opinion may not be right. The assumption is, that it is right.

Mr. PURROY.—You know he has given a number of decisions besides, and he cites that which he has given to the charity board and a number of others, because, although our department is the one which more than all the others put together, deals in patented articles, and must deal in patented articles from the very character of its service, still there are other departments in the city of New York that are buying patented articles.

By Mr. IVINS:

Q. As a bearing on that, you are sufficient of an expert on that and sufficiently familiar with the general system to give us the benefit of your opinion; let us take, for instance, the case of patented fire hydrants in New York city; so far as you can see, is it not a fact that if the commissioner of public works, who is really supreme in his own department, and who has to submit his decision to no fellow commissioners, were to select the A hydrant or the B hydrant or the C hydrant in preference to all others and advertise for it, that his selection, in the first instance would really determine who was going to supply those hydrants, and inasmuch as competition would be out of the question, virtually determine the price that was to be paid, that is, the price as bid by the particular owner — is not that the fact as far as you can see it? A. Any patented articles that he selects as a hydrant, his selection would operate just the same way that ours does when we publish these specifications in the way we have testified.

By Senator FASSETT:

Q. The only option you have, after you have advertised, is to refuse the bid altogether? A. Yes, sir; in regard to hydrants that matter was up before the board of apportionment yesterday; somebody went in and told the board of apportionment that we advocated the bill that the Legislature passed last year, providing that there should be 5,000 Victor hydrants bought for the city of New York; that was altogether erroneous; some man that wanted the hydrants bought said that the fire department wanted those hydrants bought; but when they came up and urged those hydrants on me, I said, as I always do in regard to those patented articles, "we won't go to Albany with any bill;" and I said to the chief, "chief, whatever your opinion may be, don't you meddle in the matter at all;" and the mayor labored under that impression, that we had been up there securing that bill.

Q. Was such a bill passed? A. I don't know whether it was signed by the Governor, but there was such a bill passed one of the houses of the Legislature.

Senator FASSETT.—It was permissive, giving the department discretion to buy them.

Senator STEWART.—It mentioned no hydrant. It mentioned no Victor patent.

Mr. PURROY.—It was changed and put in that shape. It was first a bill which was mandatory, as I understand it. The Victor hydrant is an excellent hydrant, and we could not condemn the Victor hydrant. In fact we are constantly having friction with the department of public works because, as buildings go on there, they remove the hydrant, which has two sections, and they substitute a smaller hydrant, and they have the power to do that, and that is against our idea. In other cities the fire department has something to say as to hydrants. In Detroit, for instance, and in a number of cities, the public works must consult the fire department as to the hydrants.

Q. They don't have to do it here? A. They don't have to do it here.

Q. Right there, in order to record it in connection with your remark, in your judgment would the service be better administered if the same requirement were to be made in the law here, which prevails with regard to some of the departments in some of the other cities, compelling conference, consultation and co-operation between the public works department and your department, so far as the hydrants are concerned? A. I can only answer that in this way, I have not the slightest complaint to make against the department of public works as at present managed; but you will remember that way back I favored the president of the fire department being

made a member of the aqueduct commission, because I thought that the president of the fire department had a right to have some say as to the distribution of the water supply of this city, and as to the location of hydrants and those other questions, and that was favored at the time by the administration of the city of New York, and I think to-day that it would be better if, before they arbitrarily change hydrants in dangerous and important sections, they were to consult the fire department of the city of New York.

Senator STEWART.—I would call the commissioner's attention to the main point of that bill, which was before the Legislature last year, and that was that it gave the placing of the hydrants themselves in all the new annexed district to the fire commission, and took away a certain amount of the power from the public works department, and placed the placing of the hydrants in the fire commissioners, which was a wise change to my mind.

Mr. PURROY.—Yes, Senator; and we have not said to the mayor, or to any of these gentlemen who have questioned, that there was any fault to find with that act, and I am not saying so to-day, but I say that we were not the ones who presented or urged that act, and I say to-day, that New York stands in most serious need of more hydrants. There are not enough hydrants for the protection of property and life in this city. They ought to be increased very largely.

By Senator FASSETT:

Q. Why can't you get them? A. I can't do everything I want to do; I wish I could; but I did the best I could to enforce my views before the board of estimate and apportionment, and I believe they are going to put 500 in this year.

Senator STEWART.—One of the reasons we had for passing the bill was, that in taking a certain amount of power away from one department, and vesting it in another department, it seemed eminently wise that the department that had charge of the extinguishment of fires, should also have charge of the placing of the hydrants. I don't know anything about the Victor hydrant or any other hydrant.

By Mr. IVINS:

Q. Coming back to section 63, which I have read, assuming that it may have been the intention of the Legislature that the conditions to secure reasonable opportunity for opposition in the purchase of these goods should be fixed by the board of estimate and apportionment, is there any reason, in your judgment, why the board of estimate and apportionment can fix such conditions any better than your board, or

than the commissioners of public works, or is there any reason why your board or the commissioners of public works other than as a safeguard against personal dishonesty on the part of heads of departments, should look to the board of estimate and apportionment to fix these conditions? A. I don't want to criticise the board of estimate and apportionment; but I have no hesitation in saying that they don't understand the business of the fire department as well as—

Senator FASSETT.—As well as the commissioners.

The WITNESS.—As well as the president of the fire department, if you want me to say it.

Q. Assuming that to be the fact, the question takes a more concrete form; you think that you are as well qualified to fix conditions to secure fairness in competition in the supply of articles, whether patented or otherwise, without reference to any particular article, don't you? A. Considering it as it applies to my department, I don't believe that they have the experience and the technical knowledge which would enable them to fix the conditions as well as they could be fixed by us.

Q. It is apparent that this section has been subject to considerable interpretation on the part of the counsel to the corporation from time to time, in other words, it is apparent, in view of what has been shown here, that there has always been a doubt in the mind of public officials as to what that section really meant? A. No; there has never been since I went into the department any deviation from the present method of purchasing hose; I was the first one that looked into the question whether there couldn't be a deviation from that method, and then, as I told you, I ran up against the experience of the past, where the worthless hose was purchased, and I ran up against the direction of Mayor Havemeyer of the city of New York, given to Mr. Van Cott, stating that hereafter they should go on as they had before and purchase only the best patented articles which, in the judgment of their expert, were to be had at a fair market price

Q. I understand that, but my question was different; it is apparent that that section has been the subject of interpretation, and it is apparent that the heads of departments in asking the opinions of the corporation counsel as to what that meant, had some doubt as to its meaning; now, I want to ask your suggestion as to what would be the best way to clear up, by act of Legislature, any possible doubt as to the meaning of that section. A. The question was raised during my time, not by the head of the fire department, but by these suppliers of hose, who filed objections in the finance department or the mayor's office, or some place where there was a check on us, and then these gentle-

men asked the corporation counsel, but the decisions have all been in the one way, and I don't know now; I couldn't suggest to you now, any method by which you could bring in competition in the purchase of engines and hose.

Q. Would you, as president of the fire department, recommend so changing that section as to subject the conditions under which bids are to be made for all patented articles, alike to the approval of the board of estimate and apportionment, as is done in case of patented pavements? A. I would have no personal objection to that amendment, but I don't think it is in the interest of the city, for I don't think they know near as much about the business as I do.

Q. Or would you, in order to remove this doubt, simply strike out the provisions which make it appear that the Legislature may have intended that all classes of patents should have been submitted to the board of estimate and apportionment? A. If that would help the corporation counsel; but he seems even with it in to be positive, and so long as he is positive, I don't care how it reads.

By Senator FASSETT:

Q. That is, when the statute says they shall be submitted, and the corporation counsel says it is not necessary to be submitted, the corporation counsel's law is your law? A. Yes; and I would like to see all laws not ambiguous; but if they were not, there would be no business for lawyers.

Senator FASSETT. — I am not so sure of that; it would be their business then to make them ambiguous.

Mr. IVINS. — Lord Coke says, "The Lord forbid that any man should know all the law."

The committee here took a recess.

AFTER RECESS.

HENRY D. PORROY recalled, further testified:

By Mr. IVINS:

Q. Have you anything more to say that you think will be of service to the committee with regard to this matter of the supply of patented articles? A. I don't think of any suggestion I desire to make, unless something may be called out.

Q. The principal concerns, as appears from these exhibits, from whom hose and goods of that kind have been got under requisition, and not under contract, are the Gutta Percha and Rubber Manufacturing Company, the Eureka Fire Hose Company and the Peerless Rubber Company; will you tell us the class of goods generally that

you get from each of those concerns, and why you have selected those patents in preference to any of the others? A. Every year, having received an appropriation from the board of estimate and apportionment for apparatus and supplies, the chief communicates to the board, in writing, a report in which he specifies the material that he needs to keep up the efficiency of the department, and in that report he specifies what engines, what trucks and what hose he requires, according as it is the rubber hose that has to be kept up or the cotton hose; he selects what he believes to be the best hose that shall be bought in order to add to the hose he wants to have increased, and according as he recommends to us, we advertise; the Baker hose is a cotton hose; the Eureka hose is a cotton hose; the Maltese Cross hose is a rubber hose; the Peerless hose is a rubber hose; the Surprise jacket is a cotton; the Unique jacket is a cotton and the American jacket is a cotton; and I think that comprises nearly all the kinds of hose that have been bought since I have been in the department; they are all branded hose.

Q. Do you know Mr. Dodge? A. Slightly.

Q. Has he ever offered to supply hose to the department? A. On his own conditions and terms.

Q. Do you know what hose his hose is? A. I believe it is the Mineralized rubber hose.

Q. Can you explain, or shall we ask the chief to explain wherein the hose which you use, is preferable to the Mineralized rubber hose? A. Just as you like about whom you ask; but I can only state this, that as these papers which I have in my hands show, the gentleman representing the Mineralized rubber hose company, applied to the department to have their hose taken, and we told them as we tell all gentlemen offering patent articles, the manner in which we test such articles, and in their letter they refused to comply with the conditions which we prescribed.

Q. Let us get that correspondence.

Mr. PURROY [to Secretary Jussen].—Col. Jussen, just produce the letter there, in which they say they have no confidence in our company commanders.

Q. Explain what the company commanders have to do with it? A. The hose is put in the company while under test, to be used at fires, and we select the companies where the test will be best, where the work will be greatest.

Q. Did they refuse to subject their hose to be tested by such company commanders as you saw fit? A. They said they had no confi-

dence in the reports of our company commanders; then there was an opening of bids.

Q. Just read that letter so that it can get on the record, the one which you referred to particularly? A. Instead of complying with the conditions, which we proposed, they wrote to us letters telling us just what they would do; they prescribed conditions for us, "We tender to supply you with cotton-jacket fire hose, lined with best para rubber, to stand the test of 300 pounds, with such couplings as may be desired, at forty cents per foot, net; we will allow thirty days for test, and we will undertake that the hose will be sound, honest, merchantable goods, equal in every respect to the sample tendered herewith, and in our belief, the equal of any cotton fire hose manufactured; we deposit our certified check for the amount named in your papers, that we will find the sureties therein named; but we will not undertake the three years guarantee asked for by you, because the omission of properly drying the hose after use, on a few occasions, would so crack the hose as to prevent its standing the required test at the end of three years, and unless we are solid with the member of your various companies, we have no guarantee whatever that any drying will take place — we couldn't make them solid — "we respectfully point out that you pay in your last purchase of 10,000 feet over $3,000, in excess of what the quartermaster of the United States Army in this city was tendered the same quality of hose for a few weeks later, and this without change in the market, simply because the quartermaster, like all the railroads and other large buyers, buy without a time guarantee, which in effect is simply another name for your bleeding the contractors and through them the city."

Q. Do you know Mr. Cheever? A. Mr. John H. Cheever I met many years ago; but recently he has not been very well, and I haven't seen much of him.

Q. His concern is with the Rubber Packing and Belting Company, isn't it? A. Yes, sir; I think that is it.

Q. Has he ever tendered to supply you with hose? A. I know of no such tender within recent years.

Q. The statement has been made publicly in the newspaper press, as I now recall it, to the effect that the same class of hose manufactured by the same parties, under the same marks, which you are now using, has been supplied by the venders to fire departments elsewhere in the country at a price below what the same goods had been supplied to you for; have you any knowledge whatever as to the correctness or incorrectness of such a statement? A. Yes, sir; that statement is incorrect; before we purchase any hose, we inform ourselves

carefully as to the market price and the price that is paid in the various cities throughout the United States for the same kind of hose.

Q. How do you so inform yourselves? A. We inform ourselves in various ways; there are various books published by these hose manufacturers citing all the sales made; we have access to those and then our chief in addition to that communicates with the heads of departments of the various cities and keeps himself informed, for instance, as to what Chicago pays, what Boston pays, what St. Louis pays and so on, and we have here for you a price-list of hose.

Q. I don't care to put that on the record; the main point is this, as to whether you really purchase as other cities do? A. We do.

Q. Have you ever taken any steps to find out whether either of these companies from whom you are buying hose gives a larger discount or rebate from the list prices, to the other cities than they give to you? A. We don't go into any discount or rebate matter at all.

Q. Do you buy net? A. Yes, sir; we couldn't do anything of that kind; we get the lowest price that they will sell the hose for.

Q. Do you know or have you ever had the means of finding out whether or not the same apparently lowest price is made to other cities, but from which apparent net price there is a discount or rebate made in the other cities? A If any such thing is done, I suppose in the nature of the case, it is done surreptitiously and dishonestly, and there is no evidence of it; that thing has never been done in our department, and would not be tolerated by me a minute; since I have been in the department, over $20,000,000 worth of the funds of the city have passed through my hands, under requisitions that I have made, and I have never either myself entered into any arrangement of that kind, or tolerated it upon the part of any other person.

Q. I don't mean discounts or rebates for the benefit of anybody else; I mean discounts or rebates to the city itself? A. You see if we could get the lowest market price, then we get the full benefit of any discount or rebate.

Q. But while you do it on the basis of a net price, isn't it possible that other cities do their business on the basis of a long price, subject to a discount? A. We do the very best we can for our city, and don't busy ourselves about what they do in other cities, and I don't know what any of these men do.

Q. As a matter of fact, it would not be possible to find out in any way, except from the venders themselves, would it? A. We assure ourselves that we are receiving the goods at the lowest marketable price, and there we rest.

Q. Now, let us pass to the matter of apparatus, and repairs to apparatus; I think you probably have a recapitulation of that, haven't you?

By Senator FASSETT:

Q. Do you know anything about the truth or falsity of the statement of this correspondent, that the United States government quartermaster paid at a rate so much less, that on your purchase you had overpaid about $3,000? A. No; I don't know positively what the purchases of the United States government were, but it could not form any criterion by which to pass upon the question of our price; for the furnishing of goods to be held up in the great departments of Washington, along the walls, to be needed in case of a fire breaking out, is very different from the purchase of hose which has to undergo the wear and tear of constant and repeated fire service in the city of New York, and one would do first rate where the other wouldn't do at all; we have more fires in the city of New York than they have in the city of London.

Q. But after you have assured yourself of the excellence of the brand, do you still purchase that brand under the requirements of a three years guarantee? A. Yes, sir.

Q. Then it may be as he suggests, that you actually pay a little extra for a three years guarantee? A. Oh, yes; we exact a special kind of hose too; the chief of department on various occasions, has, for different parts of the city, required that the hose should be heavier, and should be made in a special way for the wear and tear that it had to undergo.

Q. Then you don't know anything about the accuracy of the assumption of your correspondent that it was identically the same hose? A. Unless I can be sure that the two things are exactly the same, of course, the comparison falls.

By Mr. IVINS:

Q. Colonel Jussen has put in my hands which I hand to you, some notes on the subject of the purchases made from the La France people and from Clapp & Jones; those are the principal items in the statement of the accountant and your own statements relative to apparatus; will you just explain why and under what conditions the purchases are made from these two concerns principally? A. Because we believe that the La France and Clapp & Jones engine are among the very best; there is a question, a nice question as to which is the best engine; our chief has favored the La France engine, and I am inclined

to favor it; I think it is an excellent engine, perhaps the best in the market, and before we buy that engine and prepare our specifications, under which no other bid could come from any other company, we get from them a statement as to what their engine will be furnished for and then we inform ourselves as to their sales and as to whether the price furnished us is reasonable; we have here a statement from both Clapp & Jones and the La France as to the prices obtained for their engines in various sections of the country, and actually we are getting them much less; because there is no engine made for any other city in the United States that has as many adjuncts as the engines supplied here; our chief makes them supply a number of things that are additional to the usual engines.

By Senator FASSETT:

Q. Do you pay cash when you agree to take the engine? A. They put in their bid under the contract and as soon as they furnish the engine and it is passed upon by us, then we make out a voucher and send it down to the comptroller and he pays them cash.

By Mr. IVINS:

Q. Then, as a matter of fact, this requirement of a bid after advertisement, under these circumstances, is really a work of supererogation, isn't it? A. It amounts practically to shutting out every other except the engine that is described in the specification.

Q. Then it amounts to just exactly what it would come to if you bought them on your requisition after having taken all the preliminary care to come to the proper agreement as to term? A. That could be done in that way and done as cheaply.

Q. And if it were done, in that way, with regard to these particular supplies, it would save the time required for advertisement, and it would save the expense of advertisement, wouldn't it? A. I think it would.

Q. And the advertisement really, under those circumstances, accomplishes nothing, does it? A. I see very little that it accomplishes.

Q. The next general title is additional fire alarm apparatus; will you explain the circumstances under which the contract was made with the Standard Underground Cable Company who competed for that work, and the basis on which payments under the contract were made? A. No; I can only tell you that that being also a technical work, a work relating to a very technical subject, telegraphy we have there followed the advice of our superintendent of telegraph, Mr. J. Elliot Smith, and when they passed the law to put the telegraph wires underground, we went each year to the

board of estimate and apportionment and put in our estimates and they cut them down; they have allowed us so far $160,500, and we have expended it all, or we will have expended it by the end of the year, and part of it has been done under contract and a good deal of it by that Standard Company which Smith has recommended.

Q. Who is the president of that Standard Company? A. I don't know; I never saw him.

Q. Do you know who any of the officers are? A. I don't know a thing about them in the world; I take Smith's report to the board that the work done and the material furnished by them is of the best.

Q. Will you describe to us generally, what class of work they have done? A. We have put fifty-eight miles of cable underground.

Q. Belonging to the city? A. Part of that has been put in the conduits that belong to the city; but nine and one-half miles of it has been what we call subsidiary ducts; that is where there is a duct on an avenue which is built by the city, but where there is no duct leading from that avenue to one of our engine-houses, for instance, and where, if we were to wait for the city, we might have to wait for years.

Q. Where you have to make connections? A. We have to dig trenches and put down our own work; and that is the work they have done.

Q. While speaking of this electrical matter, and we shall call Mr. Smith later, do you not use some classes of patents for electrical signaling? A. How do you mean; I don't understand you?

Q. Between your headquarters and the several engine-houses or hook and ladder houses, have you not some special signally system? A. Yes; certainly.

Q. What system do you use? A. Our system is, boxes that are placed all around through the city of New York; some of those boxes are boxes called key boxes; others are keyless boxes; the keyless boxes are patent boxes; key boxes are boxes which are opened by keys, which are distributed to the police, to citizens and to neighbors, and a notice put in the box where the key is; a man goes there, opens the box, pulls down the hook, it automatically sends in an alarm to the central office at headquarters, and then the operator, one of whom is always on guard, immediately sends out to the engine-houses or to the department the alarm that has been transmitted to the central office.

Q. That is sufficient for the purpose now? A. And then I want to say, just to finish it, the keyless boxes are what we are trying to introduce; the keyless box is a box which saves time, because any citizen can rush up, seize the handle and open the box; it makes a

loud noise while he is opening the box, and it does away with the necessity of getting a key, and often keys are lost or mislaid, and so on.

Q. How did you acquire the right to use these boxes, either with keys or without keys, in New York city — by purchase? A. It was never questioned; we went right on and exercised it.

Q. You didn't build the boxes? A. No; some of them we did.

Q. Isn't it a fact that, for the authority to use these boxes, or this system, your department has, at one time or another, paid to the patentees large sums of money? A. Yes, sir.

Q. How much has it paid? A. I will have to get the records in regard to that; it has varied at different times.

By Senator FASSETT:

Q. Could you state in round figures? A. No; I could not.

By Mr. IVINS:

Q. Has it been $100,000, in round figures? A. That is a matter that has been under the charge of the committee on telegraph and supplies, and it has decreased; when we first introduced that, it was I that did it; I went to Chicago; Chicago was the first city in the country that introduced the keyless box; it introduced it in connection with the fire department and the police department, and I came on here, and I consulted with the city officials, and I made the very best terms I could with the Chicago people, and I bought, under a thousand dollars, as many keyless boxes as our money would buy; I forget what the rate was; my memory is not good enough for that; I really couldn't tell you.

Q. Will you let Colonel Jussen make a memorandum as to that? A. Yes, sir; and furnish the prices.

Q. And give us, as quickly as possible, what it has cost the city of New York to equip itself as it is at present equipped with this present box system? A. Yes, sir.

By Senator FASSETT:

Q. Including royalties?

Mr. IVINS.— Including royalties paid or purchases, or whatever the case may be? A. Yes, sir.

Secretary JUSSEN.— From the beginning?

Mr. IVINS.— From the beginning; I bring that up in this connection, because the committee should know that there are two or three competing systems, and proposals are now before one of the other departments in the city here, to apply the same general principle in other ways, particularly in the police department.

Mr. Pierce. That is a different thing; they have been up to us about that.

By Mr. [illegible]:

Q. I want to get at this for the purpose of comparison of basis of price and [illegible] sort of thing, as it hereafter may arise. A. I don't know whether you want me to go into that; [illegible] is a long [illegible] as in regard to that; there is a company that [illegible] to introduce a system which will enable [illegible] service.

Q. What company is that? A. I don't know their name; but we [illegible] on the subject, and various people [illegible] gentleman that used to be com- [illegible] Thompson went out —

Q. Mr. [illegible] A. [illegible], and a number of others, [illegible] connect with our boxes, [illegible] houses and then anybody [illegible] press the button and send out [illegible]

Q. [illegible] to the rest? A. That is it; [illegible] houses a price for the [illegible]

Q. [illegible] largely on requisition, not [illegible]

Q. [illegible] by Pierce and Jones be [illegible] Solently large quantities? [illegible] on the discretion of [illegible] makes, and we [illegible] and economical in [illegible]

By Senator [illegible]:

Q. [illegible] electrical supplies.

By Mr. [illegible]:

Q. [illegible] work, we have already [illegible] stands in the [illegible] that at the last [illegible] explain what [illegible] this connec- [illegible] A. In the list [illegible] had spent $60,000

in horses; you will see at once that we have got to buy every horse on its own merits singly.

Q. I don't think there is any need of your wasting any time discussing the fact that horses can't be bought by contract; just tell us, however, who buys your horses for you and from whom you generally buy, and why you have elected them? A. In our service we have had two or three since I went there, but for several years back we have had in our service one of the most efficient men in it, Joseph Shea; he is a veterinary surgeon and a man who has had to do with horses all his life; we purchase a number of horses every year; I should say as many as fifty; is that right, Col. Jussen?

Secretary JUSSEN.— About thirty, I think, sir, would be nearer the mark.

Mr. PURROY.— Not over thirty last year?

Secretary JUSSEN.— I think not.

Mr. PURROY.— I thought we ran over that. The bidders in Thirty-fourth street, are, of course, anxious to get this trade and we usually purchase, although we don't follow that absolutely without exception, from the man we consider the best horse dealer in New York, Dahlman.

Q. You bought these large heavy horses, and has Mr. Dahlman any particular or peculiar facilities for supplying that class of horses? A. I think he has, more than any other man in the city of New York; we buy horses about sixeen hands high and weighing between eleven hundred and twelve hundred pounds, and we have an understanding with Dahlman that we won't pay him for any horse over $300; that is the price fixed.

Q. That is a maximum price you fix in your own board? A. Yes, sir; that has been the price from time immemorial, and we have an understanding with him that when we buy a horse we have thirty days in which to try the horse, and during that thirty days the horse is at his risk, unless by our neglect or mismanagement the horse is injured or killed; as soon as the horse is picked out by our veterinary; he is sent to a training stable, which is something that I established in the department; that training stable is uptown; there is a man in charge of it, with two assistants, formerly horses we purchased used to be sent to the company quarters and the captain in charge used to have to take these raw horses and try and train them; sometimes he was a very good fireman, but knew nothing about horses; now they are sent to this training stable, and for thirty days they undergo training there, and when they are sent to the company quarters they are already trained and fit to do their work, and if at the end of that

time a certificate comes to us that the horse is sound and fit for our service, we purchase it.

Q. Has $300 always been the regular price? A. Three hundred dollars is the regular price; sometimes it has been exceeded, and sometimes we go below it, but very, very seldom.

By Senator FASSETT:

Q. That is your minimum price? A. Yes, sir.

By Mr. IVINS:

Q. That makes your average then? A. I think there are very few exceptions; I don't think you will find three exceptions in a year.

Q. What do you mean by saying that $300 is your maximum price and then answering the Senator that it is also your minimum price; that makes it your absolute price? A. Yes, sir; except that there are exceptions.

Q. In other words, you agree to give $300 for a horse which actually meets your requirements? A. Yes, sir; but if Dahlman had a horse, supposing we wanted to mate another horse and we couldn't get a mate for that horse except at $350, we have got to pay $350, or we would think it was fair to do so.

Q. And you make those exceptions? A. We have at times made such an exception.

Q. Do you keep any books in your department which show what the cost to you of horse keep is per horse per month or per day? A. Yes; we do; I have not gone over them lately, but I think it is very low.

Q. Can you tell us what the cost of keeping a horse is? A. I am not certain; but I don't think it exceeds over thirty or thirty-five cents a day.

Q. Will you have Colonel Jussen figure that for me too? A. Certainly.

Q. The cost per diem for keeping your horses? A. Yes, sir.

Q. I will state this; that depending upon the price of the forage, to my personal knowledge, the average price of keeping horses in the railroad companies in the city here has fluctuated between nineteen and twenty-five cents? A. Well, we have to do a little better than the railroad companies, you know; some of them run skates out at night that we wouldn't like to have anything to do with, and we have to keep our horses well fed and in good shape, and I think that thirty cents, or may be up to thirty-five cents at times is about our price.

Q. Do you keep any record to show what it costs you per month to shoe the horses? A. Yes, sir; we had a special agreement with every

horseshoer that does any work for us, and I think it is an agreement that is very beneficial to the city of New York; we say to him, "We will pay you three dollars a horse per month, and for that you must shoe that horse as often as shoeing may be required, and you shall also change his shoes, and you shall also in rough weather, and down town where the pavements are very wearing, sharpen horses shoes; you shall take charge as a horseshoer of each horse in our department, for three dollars a month."

Q. That is paid at a per capita rate per month? A. Yes, sir.

Q. Are your horses as hard on their shoes as the horses of the police department or of the street cleaning department, or of a city railroad? A. No horse in the police department that ever I heard of has to drag an apparatus eleven hundred or twelve hundred pounds behind him, and no horse in the police department is as heavy as our horses are; therefore, if you take the weight of the horse himself and the weight of the apparatus that he drags, and if you remember that he has big corks on his shoes, you will find that there are not any horses in the city of New York where the wear and tear is greater than in the fire department; then the rate of speed at which they go is to be considered.

Q. Is there any reason why it should cost more to keep a horse in the police department or less to keep a horse in the police department than it does in your department? A. I will have to look into that question; I don't understand the police department business, but I don't think they are at all alike; the mounted police, as far as I see, at times, especially in the upper section of New York, have a very soft thing of it under a tree, and the horse don't wear out his shoes very fast, and he don't get as hungry.

Q. I say keep. A. He don't get as hungry as if he had work.

Q. Is there any reason why it should cost less or cost more to keep a horse, that is, for his forage, in the department of public works or in the park department than it does in your department. A. I think both the department of public works and the park department have a very different class of work for their horses also; it is easy; I never saw a horse in the park department going as hard as he could plunge through the parks, nor have I in the department of public works; their work is generally done in walking around; once in a while they will get in a trot; but with us it is a rush all the time.

Q. How about the department of street cleaning; what do you think about that; they work, don't they? A. I have always avoided looking into that department.

Q. Would you think that there was anything wrong if it should appear that it actually cost more to keep a horse in the park department, the police department, the department of public works, than it does in yours? A. Well, I wouldn't be surprised if we done the best in everything.

Q. But on the other hand you seem to have the general impression that they ought to be able to keep cheaper? A. But I don't know their business; if I were to go into any of these departments I could say.

Q. What would you, as a city official, say generally to this if it could be proved that it costs in any one of those departments seventy-five cents per diem to keep a horse; would you say that the administration in that regard could be improved? A. Well, I would look into it very carefully.

By Senator FASSETT:

Q. What you say is simply this: That in your judgment the horses in your department are worked harder than in any other department of the service? A. Oh, very much so.

Q. If that were to be the test, of course, the cost of keep would be correspondingly greater? A. Our horses have to be kept up to a very excellent general condition; I would like to have the members of the committee, after you get through, come up and pay us a visit, and I will show you the department, and take great pleasure in showing you the horses, which are worth seeing; we will send you an invitation if you will accept it.

By Mr. IVINS:

Q. You said a few moments ago that there were more fires in New York city than there were in London? A. Yes, sir.

Q. What do you mean by London, the whole metropolitan district? A. I mean the whole metropolitan district of London; you know the city of London is only about a mile square and I had no idea of referring to that.

Q. You mean the whole metropolitan district? A. Yes, sir.

Q. With its between four and five millions of people and its territory of a hundred square miles? A. Yes, sir.

Q. How can you explain the fact? A. Oh, very readily.

Q. That there are more fires in New York city with our smaller population than there are in London with its greater population and its greater territory? A. There is nothing I like better than to see a comparison made between London or any English city and ours, because our fire department will receive great credit, I think, from

any such comparison; In London it is a smart man that will find a dozen wooden-houses; in the city of New York I can take any man and show him between 26,000 and 30,000 wooden-houses.

By Senator FASSETT:

Q. As many as that? A. Yes, sir.

By Mr. IVINS:

Q. Tell us now what the present fire limit is? A. How do you mean by the fire limit?

Q. As against the construction of wooden-houses in the city; it covers the whole island to-day, doesn't it? A. You must not leave out the annexed district; it is not on the island.

Q. It covers more than the island? A. Yes, sir.

Q. Does it now cover more than the island? A. Yes, sir; it covers the island up to about One Hundred and Fifty-fifth street, I think, and in the annexed district it covers up to about One Hundred and Thirty-ninth street; these are all hard things to state from memory, but I think I am right.

Q. I don't ask absolute accuracy in that regard? A. I think I am absolutely right.

Q. You speak of the existence of these wooden buildings? A. I say you won't find a dozen wooden buildings in London, and you will find between 26,000 and 30,000 in the city of New York; I say you won't find in the whole city of London but very few subcellars; in New York you will find in the dry goods district an immense number of subcellars and cellars under subcellars, and they are especially dangerous for fire; I say there is no city in the world that ever I saw — I never was in China but they say they are very bad there — but of the civilized cities there is no city in the world that has the tenement section that New York has, people packed in as they are, and there is no city in the world where the people living in those tenement-houses —

Q. Let me give you one concrete instance; there is one acre here, which I understand, according to the last census and the registration, shows an actual population of 1,650 to the acre? A. Yes; the largest in the world.

Q. Which is probably four times the largest population on the same territory in the world? A. That is right.

Q. Tell me how far that fact or a fact like that conduces to increase fires? A. If you crowd 700 or 800 people into a big, six-story, double-decker tenement-house, and have those people all of the very poorest

kind, who have to get up early in the morning and go to work, and whose wives and daughters in lighting the fire want to do it as quickly as they can and generally pour a pint of kerosene oil in the stove, and with the flues and chimneys and everything else as they are, in that kind of a district you will see how, when a cold snap comes on, it is generally followed in our service by an increased number of fire alarms from those sections.

Q. This all comes back, however, to the statistical basis; is your statistical basis for reporting and classifying fires the same as the statistical basis, for instance, in the city of London? A. I tried the best in the world to find out the statistical basis in the city of London, and I couldn't get a bit of information; they knew it all themselves, but they wouldn't give it to anybody else; I went through all their engine-houses, and I saw them at fires and I studied up the system the best I could; but I never went in a public office in London where I could get a bit of information.

Q. Did they class the same things as fires as we class as fires? A. They publish a report, and I think I have got their report; we keep posted on all these reports of great cities, and their report shows that the number of fires, taking into consideration actual fires and fire alarms and everything else in London, is not as great as New York city was in the last year.

By Senator FASSETT:

Q. You don't classify as a fire a mere alarm which calls out the department? A. No, sir; we make a distinction between the two.

Q. Do you know whether they make a distinction or not? A. They do, and I make an allowance for that in the statement that we have more fires than they have, and severer fires.

By Mr. IVINS:

Q. Do you call anything a fire to which you do not send your men? A. We make a difference in our report as to that, between actual fires and mere fire alarms; may be it wouldn't be out of order to tell you that in the last ten years in the New York fire department — that is the time I have been there — while the rate of fires has increased wonderfully that the average rate of loss per fire had decreased, I think it is something like $600 a fire.

Q. We have got that in the report and it is in the minutes? A. Not for ten years you have not; that covers the entire question.

Q. Does not the average which you strike depend entirely upon what you classify as fires in making your divisor? A. Certainly it does.

Q. In making the divisor, the volume of loss being the dividend and the average which you get being the quotient, does your divisor include fire alarms as well as actual fires at which service has been rendered? A. No; we make a distinction there; Col. Jussen is our statistician and he has all the figures for that; may be he has not got them with him now; but he can get them easily.

Q. I notice in your reports and in several messages of the mayor's that has been dwelt upon with a good deal of emphasis, that while the number of fires has been increasing the loss per fire has been decreasing; it all depends upon your basis? A. Yes, sir; and if you examine into it, you will find that our basis is honest, and the same basis during every year during these ten years I have referred to.

By Senator Fassett:

Q. You have not changed your basis? A. No.

By Mr. Ivins:

Q. How do you account for the fact that the average loss is less; is it solely because of the efficiency of the service or because of the improvement of other conditions here? A. Everything; no one thing alone; I think that a great deal is due to the fact that New York is undergoing a change in regard to its buildings; the building bureau is under the fire department, and I have statistics here in regard to that, showing the cost of our building bureau for the last ten years to be far below that of the building department for ten years before we got it, and the cost of buildings put up under the old department for ten years before we got it is something like one-quarter of what it is now.

Q. It is a fact that the old department was abolished because of its extravagance, irregularities and inefficiency? A. Yes, sir; that is what was alleged; you can get some idea when I tell you that there is about $89,000,000 worth of money put into buildings into New York city this year, and all these buildings that are going up are naturally of a better character than those that used to go up in old times.

Q. Will you tell us where your functions and the function of the health board meet with regard to the filing of plans for the construction of buildings? A. There are requirements of the law prescribed by the health department, and there are conditions that they must comply with in regard to our department; they don't clash in any respect.

Q. Only one set of plans is required to be filed? A. That is all; yes, sir.

Q. And that is filed with your department? A. Yes, sir.

Q. And it is filed with your department subject to inspection by the health department? A. Yes, sir.

Q. And those plans must conform both to your requirements and the sanitary requirements? A. Yes, sir.

Q. And there is only one set of plans? A. That is right.

By Senator FASSETT:

Q. No building then can be erected in the city or altered without the consent of your department? A. No, sir; the plans have to be approved first.

Q. And no building designed for public use can be opened for public use until you have given your approval? A. I don't think that is so.

By Mr. IVINS:

Q. While conducting that department as president of the board, after the Consolidation Act and under previous statutes, have you found any impediments thrown in your way by virtue of the condition of the laws, by virtue of the condition of the city ordinances or by virtue of the condition of the sanitary code, which you think in any way results in the impairment of your service, or which by a change or amendment would result in an improved service? A. I can't think of any such now; I will give that careful consideration and communicate with you.

Q. Have you any suggestion to make to this committee with regard to any specific changes or amendments which would improve the administration of your department? A. None whatever at present.

Mr. IVINS — That is all then, Mr. Purroy.

WILLIAM L. FINDLEY, attorney for the fire department was then sworn, and testified as follows:

By Mr. IVINS:

Q. What is your business? A. I am a lawyer.

Q. You are the counsel to the fire department? A. I am the attorney; that is the correct title.

Q. You are the attorney for the fire department? A. Yes, sir.

Q. How long have you been the attorney of the fire department? A. Since June, 1880.

Q. Will you explain to the committee why the duties of counsel or attorney to the fire department can not be performed by one of the assistant counsel to the corporation, and why the fire department should have an attorney who is, generally speaking, independent of

the corporation counsel's office? A. I can give you my opinion about that.

Q. That is what we want, your opinion? A. Of course it is an altogether unbiassed opinion; the fire department has charge of the enforcement of several of the police laws of the city; it has the enforcement of the building laws, for instance.

By Senator FASSETT:

Q. That is a very important department? A. A very important department.

Q. Because there is a good deal of complaint there and a good deal of trouble? A. Yes, sir.

Q. Builders are hard to please, are they not? A. Yes, sir; it has also the enforcement of the laws relating to the storage and sale of combustible materials; the only way in which those police laws shall be enforced is through legal proceedings, suits for penalties or applications to court for injunctions to restrain violations, etc.; it is necessary that there should be an attorney there in the department, having an office in the department there all the time, ready to be in constant consultation with the commissioners and with the heads of the various bureaus that have the enforcement of these laws.

Q. Do you think it is more necessary that there should be such an attorney in constant daily attendance at the headquarters of the fire department than that there should be one at the headquarters of the police department? A. Infinitely more so.

Q. Why? A. For that very reason, that there are a thousand questions arising in the course of the administration of those laws where the various heads of bureaus must come and consult informally with counsel and take advice; it would be absolutely impossible for that department to be managed efficiently without having an attorney there constantly who can be called upon for consultation. If they had to go through the form of writing a letter to the corporation counsel and then awaiting his reply, it would simply block the whole wheels of the business of the department; it would be impossible to transact it; not only would there be a great loss of time, but the very fact that this formality was necessary would prevent the asking advice and seeking information and seeking interpretation of the law in many cases; many times the counsel to the department, upon consultation with the chief of a bureau who is familiar with the branch of the service, can advise means for accomplishing through legal proceedings what would not be suggested and what would probably not be brought about excepting for that personal consulta-

tion that takes place; then another reason, I think it is necessary that the attorney should be appointed by and responsible to the fire commissioners; they have a control over him in that way that they would not have if he were appointed by some authority outside of them; his allegiance is due first of all to the commissioners and he is bound to comply with their request, and he is not, independent of them, to fall back upon some other chief.

Q. Is not his allegiance due in the first instance to the city, and should not the administration of the office of the counsel to the city, no matter in whose hands or what number of hands it is vested, all be under a single control, as, for instance, the corporation counsel? A. The fire commissioners represent this purpose; when I say his allegiance is due in the first instance to the fire commissioners, I mean his allegiance is due to the city, and they have immediate check and control over him.

Q. That leads me to the second question which I wanted to ask you, and which will open up the only other series of questions that I care to ask you about now; to what extent do you understand that the fire department is virtually an independent corporation from the city of New York? A. There is a line of decisions that hold that the fire department together with one or two other departments of this city, are only nominally a part of the city government, and that they are really organizations of the State for the purpose of carrying out the State's duty to the citizens.

Q. They are the agents of the State in the performance of a State police function? A. Of a State police function.

Q. In order to make that clear, let me ask you this: There is one case, is there not, which holds that the city of New York is not responsible for injuries committed by firemen? A. Yes, sir.

Q. The firemen not being the employes of the city of New York, but of a department which, in the eye of the law, is an independent corporation? A. Yes, sir.

Q. Do you know of any other case or series of cases other than that particular one, in which this same principle has been applied; we want, if possible, to find out from you, as the attorney to this particular board, exactly to what extent the fire department is apart from and not a part of the government of the city? A. It is a part of the city government in that the heads of the department are appointed by the mayor; they are paid by the city's officers out of the city treasury, and for all practical purposes it is a part of the city government; theoretically, however, and for the purpose of defining the legal liability of the city for the wrongful acts of members of the force, the courts have made that distinction.

Q. Let me put it in this form; if the department of public works, either by its affirmative act or its negligence causes a legal harm or a wrong, the principle of *respondeat superior* is applicable, and the city of New York is held; if the same thing be done by the fire department, the courts have held that the principle is not applicable; now, can you tell me why, so far as you know, any such distinction should be made; is there any reason in it or for it? A. The theory of the reason, as I understand it, laid down by the decisions, is this: The municipal corporation of the city of New York has a dual capacity; in one capacity it is a corporation, just precisely as the Western Union Telegraph Company is a corporation, owning property, paying taxes on that property, and having the right to use its property and do with its property as it pleases, just as any other public corporation would do.

Q. You say the city of New York, or do you mean the fire department? A. The city of New York; it has that dual capacity.

Q. It is a private business corporation as well as a body politic? A. As well as a body politic, an organization for the discharge of certain State duties.

Q. But the fire department does not hold its own titles, the fire department is not a corporation holding title in its own name to anything, is it? A. No.

By Senator Fassett:

Q. That is, it does not own the engines, it does not own the engine-houses nor the lots on which they are located? A. No, sir.

Q. Title to all those is in the city? A. Yes, sir; the fire department is the arm through which the municipal corporation performs a part or one branch of that kind of duties.

Q. Now, come to the point as to why there should be any distinction between that department and the department of public works in view of the fact that in reality these subordinates are all paid out of the city treasury, the supplies are all paid for out of the city treasury and the property is all held in the name of the city? A. I say it is not a practical distinction; it is simply a theoretical distinction, laid down by the Court of Appeals for the purpose of defining and limiting the pecuniary liability of the city; that is all; it is merely a theory, but not practicable.

Q. This field of the limitation of the liability of the city for the acts of the subordinates in the fire department is the only field in which this principle of apparent independent corporate existence in the fire department has been applied? A. So far as I can think now, it is; I

think that the only purpose of that theoretical distinction is to limit and define the liability of the city for the wrongful acts of persons in its employ; the leading case where that doctrine is laid down is the case of Maximilian against The Mayor; I can't now remember just in what volume it is.

Q. Is it not a fact that that has grown out of an antecedent system under which the fire department really was an independent corporate body? A. I hardly think so, from the reasoning laid down in that decision; I don't think that is the basis of it.

Q. You don't think that that has had any reference to it in any way? A. I don't think so.

Q. And that is the leading decision? A. And that is the leading decision.

Q. Now, with the volume of work done by your bureau, that is all reported annually in this annual report, and we will find all there which is required? A. Yes.

Q. And that shows the exact volume of work that is done there? A. As fully as can be tabulated; there is a great deal that can not go into any report; for instance, I spent hours and hours in personal consultations with the head of the bureau of buildings, the head of the bureau of combustibles and the chief of department and others; I spent time in consultation with and advising them, or with the commissioners, and, of course, nothing of that kind can appear in a report; but so far as it can be reported, that shows the course of the business.

Q. Has the volume of business increased materially during the last ten years? A. Oh, yes; very largely.

Q. Is it due entirely to that increase in the volume of business that the increased expenditure has been made? A. Yes, sir.

Q. Have you ever figured the proportion of increase of expenditure to the increase of the volume of business in your bureau? A. No; I have not.

Q. Will you make a little statement of that kind for us, showing what it is to-day as compared with what it was when you first went into the bureau — that is ten years? A. Yes, sir.

Q. You can skip the intermediate years; I just want the two ends of the decade put together? A. You understand I was the first person appointed to the office, I started in with nothing, and business has grown up; I came into the department when the department of buildings was abolished.

Q. I wish you would bring together for us what the expenditure of your bureau was at the expiration of the first year after you had been in charge of it, together with the volume of work done and the expen-

diture at the end of this present year, and the volume of work done as shown by your last report? A. I will do so.

By Senator FASSETT:

Q. This department has absolute discretion, hasn't it, with reference to giving or withholding its consent on the merits of any plan of any building? A. No, sir; the law prescribes — the building law is a very minute and complete declaration of how buildings shall be built; it provides that before the erection of a building is commenced, plans must be filed with the superintendent of buildings and must be approved by him.

Q. The superintendent of buildings is an employe in the department? A. He is the head of the bureau; he is to see that the proposed building conforms with the rules laid down in the law, and he approves the plans if he finds that they conform to the rules, and disapproves them if he finds they do not.

Q. Supposing in his judgment they do not conform with the law, is there any way of compelling the department to pass favorably upon them? A. Mandamus would lie.

By Senator STEWART:

Q. One of the inspectors of the department is in constant attendance on the buildings that are in progress? A. I can't say that he is in constant attendance.

Q. He is there anyhow? A. He is there; he is supposed to inspect it.

By Senator FASSETT:

Q. Does the fire department hire an inspector to supervise all these buildings that are going up? A. There are twenty or thirty inspectors.

Q. They vary in number according to the amount of building going on? A. Yes.

Q. Are they hired by the job or by the year? A. They are hired by the year; they are regular salaried employes.

By Senator AHEARN:

Q. And they are held strictly responsible too? A. They are.

By Mr. IVINS:

Q. They get from $1,500 a year to $900 a year? A. I think so.

Mr. IVINS.— That is shown here in the report.

By Senator FASSETT:

Q. And what power had they in the premises — it is simply to report delinquencies, or have they power to correct the same? A. Simply to report delinquencies.

By Mr. IVINS:

Q. Are there any statistics in that department showing the volume of work done by these inspectors, so that it is possible for us to discover as far as appears on the face of the papers, the apparent necessity for the number of inspectors that are employed there? A. I have no doubt there are such statistics; they would be in the charge of the bureau of inspection of buildings.

Mr. IVINS.— I will ask Colonel Jussen then to give us those figures, showing what the volume of work done by the whole inspectorial staff is, and by each inspector.

Secretary JUSSEN.— For what period.

Mr. IVINS.— For the past year.

(Mr. IVINS to Commissioner PURROY).— Have you got it there in your little book, commissioner?

Mr. PURROY.— I have some data here.

HENRY D. PURROY, recalled, further testified:

By Mr. IVINS:

Q. Mr. Purroy, will you give us now the figures as to what this department has cost since its inauguration, and the number of buildings it has inspected? A. I made a comparison, a very short one, between the old department and the new; the old department for ten years cost $1,025,876; the number of buildings which it put up in the greatest year it had, was 2,065; the number of inspectors it had employed in any one year, the greatest number was twenty-six, and the highest value of buildings put up by it in any one year was $22,000,000; the bureau of buildings costs, that is as it is at present under the fire department, it has cost during ten years, $716,800; you will see it is much less than the old one; the number of buildings during the present year is about 4,300 to 4,500.

Q. You wouldn't take the old department either as a standard of efficiency or of economy, however, would you? A. No; but as a standard of comparison, a horrible example; the board of inspectors is forty now as against twenty-six under the old department.

Q. Now, I want to ask a question, and a most important one, which slipped my memory for a minute, and that is, in your judgment, would it not be possible to administer the affairs of your depart-

ment quite as well, quite as energetically and quite as economically with a single head instead of a commission of three? A. I don't see how I could get along without either Mr. Eickhoff or Mr. Robbins possibly.

Q. Possibly Mr. Eickhoff might wonder how he could get along without you and Robbins, or Mr. Robbins might wonder how he could get along without you and Mr. Eichkoff; the question is abstract and not concrete? A. You will find clerks there that are attentive to their work; they have plenty of work to do, and I think the best criterion by which to judge whether a three-headed commission had worked best, there is the condition of the department.

By Senator FASSETT:

Q. Supposing yourself and your two colleagues out of the question now, as an abstract proposition based upon your experience? A. Well, assuming it in that view.

By Mr. IVINS:

Q. We have one commissioner of public works whose expenditure and volume of work is much larger than yours in your department; you have three in the park department; we have four; in the dock department we have three; there is no symmetry in the commission system; there is no kind of order or regularity in the commission system; now, either one head is better than three, or three heads are better than one, and whichever way you decide it, would result in a change, either by reducing the triple-headed commission to a single head, or by increasing a single head to a tripple head? A. I don't know much about the other departments.

Q. Why can't your department be run just as economically and just as energetically and just as efficiently with one head as with three? A. I don't know much about the other departments; but I should be very decidedly opposed to a department where there were either two or four commissioners; but I do know something about the fire department, and I know the fire department, when everything was running smoothly, and when there were differences in the fire department, although they have been very few; my experience there tell me that it is best to leave the fire department just as it is, three-headed.

Q. There is one other point I want to ask you about; as part of the duties which you perform, you have to devote a good deal of time to the trial of charges of offenses against subordinates, do you not? A. A great deal.

Q. Have you ever examined the actual results of the Philadel system, which is to have those trials conducted by uniformed offi heads of the staff of equal or higher grade, appointed for the pose of conducting such trials? A. I know the Philadelphia de ment pretty thoroughly, and I wouldn't like to take it as a mode the New York department in any respect; I have the greatest res for Chief Bonner as chief of the department, but I don't think he c try a case half as well as I could, and I don't know any subordi of mine in the uniform force that I think could take my plac chairman of the board and do his work better.

Q. Let me call your attention to this fact; you know that in P delphia for a number of years they had the same questions u discussion which we have here in one form or another, and that f number of years there was an effort made by the Legislature to b about some changes in the Philadelphia charter, and to give a ger charter to what they call cities of the first-class — it so happened Philadelphia was the only one then — they then created the de ment of public safety, which virtually includes both our fire and p departments, and that they solved the matter of trials under the lock charter by making this provision that I speak of; now, if a vision of that kind were made here, would it not make it easier more practicable to run that department by a single head th would be if that single head still had to conduct all trials? A. I t that they better leave the departments alone; separate; the boa estimate and apportionment are trying now to make the fire de ment and police department go into partnership in the subwa protested most strongly against it; I think they better leave departments alone.

Q. I made no suggestion about the possible consolidation of t two departments, but I had to refer to that as bearing upon the me of trial which was introduced in Philadelphia. A. I have said tha Philadelphia department — I have been in their engine-houses a have seen them all coming down with cigars and pipes in their mo going to a fire, and on their apparatus in the street, and I know department thoroughly, and if there is any particular in which are imitated, I don't know of it, and I have familiarized myself every fire department in every city of any account in this countr

Q. Can you tell us what the method of trial of subordinates in of the other cities is? A. Yes.

Q. I would like to have that for the purpose of comparison. wouldn't want now to be held to positive accuracy; this is an imm country.

Q. I understand that. A. But in all great cities where there are fire commissioners they are the trial officers as a rule; but there are a number of cities, such, for instance, as Chicago, which has a pretty fair fire department, a fire department, by the way, that was organized by New York; by General Shaler —

Q. Explain that? A. There they had no commissioner at all; they had a chief, and that chief is the trial officer.

Q. Is he the sole trial officer? A. He is the sole trial officer.

Q. To whom does an appeal lie there? A. To the courts in the same way as here; the only thing is, that he, just as we are subordinate to a mayor and Governor, is subordinate to the Governor there.

HUGH BONNER, chief of the New York fire department, was then sworn, and testified as follows:

By Mr. IVINS:

Q. What is your business? A. Chief of the fire department.

Q. How long have you been such chief? A. Since May, 1889.

Q. Were you in the room at the time that Mr. Purroy described the general system of organization of the fire department? A. Yes, sir.

Q. And that is correct? A. Yes, sir.

Q. Do you think that was ample for the purposes of an intelligent study of the fire department? A. Yes, sir; it was very correct.

Q. Are you, as chief of that department, in any way connected with the administration of the civil service laws? A. Yes, sir.

Q. Will you tell us in what way you are connected with the administration of those laws, and how, so far as you have been able to observe, those laws have worked? A. I am a civil service examiner, and in connection with Inspector Byrnes, examine applicants for the police, fire and parks.

By Senator FASSETT:

Q. And parks? A. Yes, sir; the park police; that constitutes the uniformed force of this city; we conduct their mental examinations, and their physical examination is conducted by a doctor, an expert in gymnastics, and the mental is also conducted by the civil service secretary, Mr. Phillips.

By Mr. IVINS:

Q. Do you know to what extent the mayor has the power, or has exercised the power, of changing or altering the schedule so far as affects the uniform force? A. He has on the recommendation of the supervisory board only.

Q. Do you know if he ever has changed his schedule? A. He has for the police on one or two occasions, for the fire department.

Q. Can you tell us in what regard? A. I don't remember just now.

Q. Was it a change for any special purpose, or a general change of the schedules, covering a whole class of officers? A. It was a minor affair; it was in reference to weights and ratings.

By Senator FASSETT:

Q. To the weight of individuals and their heights? A. Yes, sir; I thing it was something relating to that.

By Mr. IVINS:

Q. What, in your judgment as a civil service officer, has the result been of the application of the system — has it improved the force? A. It has been very beneficial to our department, and, in fact, all departments, so far as I could see.

Q. Has it improved the personnel of all the departments? A. It has to a great extent.

Q. How has it improved it, by bringing in better men or by only excluding the utterly incompetent men? A. It opens the gate wider for a better selection of men; those men must be of a certain ability before they can enter; there is no doubt after they undergo a civil service examination but that they are competent to fill the positions they are appointed to.

Q. Do the veteran acts have any reference to the applicability of the civil service law as affects the uniform force here? A. No, sir; it does not apply to the fire department or police department; they are too old for us; our rules require a man to be under 30 years of age, the same as the police; the veterans are all much older.

Q. A civil service examination as conducted in your department is entirely outside of your individual jurisdiction except so far as concerns the uniform force? A. Yes, sir.

Q. Have you any suggestions to make, which, by enlarging or increasing the power of the department, by limiting or contracting the power of the department, would result in its improvement? A. I have none at present; such recommendations are generally made to the board of commissioners, and they are the custodians of all those suggestions.

Q. Will you explain to the committee the circumstances attending the so-called Hammerstein case? A. Yes, sir.

Q. There has been a great deal of public discussion of that case, and it has been represented that it was a case of tyranny on the part

of the fire department; we would like to know the circumstances of that case, because it may be necessary to go into it more fully hereafter? A. I would be very glad to do it; I only want to say this, that I have an action pending against that proprietor; it is now in court on an action of slander.

By Senator FASSETT:

Q. That is a personal matter between you and him? A. That is a personal matter between me and him; if there is no objection I will go right along.

Senator FASSETT.— None at all.

By Mr. IVINS:

Q. Tell us what the facts are? A. Mr. Hammerstein is the proprietor of the Columbus theater; he notified the board of commissioners some ten days previous to the sixth day of October of the present year that he desired to open his theater on that date.

Q. Where is this Columbus theater? A. It is at One Hundred and Twenty-fifth street and Lexington avenue; Mr. Brady previous to that date had sent several inspectors there to help the proprietor to get ready for this time.

Q. Who is Mr. Brady? A. The superintendent of buildings; the inspectors reported to Mr. Brady from time to time that the work was progressing and that it was not done, and there was no necessity of going there; but on the sixth of October I went there with Mr. Brady and made the examination and found about twenty different items that had not been complied with; Mr. Hammerstein was given a list of those items and was informed that the license could not be issued until the items were completed in accordance with the law; that was on the sixth day of October; he then demanded a re-examination on the eighth, two days following; on the eighth we made a second examination, and we found that while he had these men to work apparently, he had not completed it, and we still found some fifteen different items which he was still deficient in and the hose appliances were scattered through the building; he had the hose there and the fire extinguishers, and hooks and axes; but they were indiscriminately scattered all through the building; they were not attached to the stand pipe; he had a small pump that was connected to his fire tank on the roof, which was able to discharge about a hundred gallons a minute, and his tank contained about 4,000 gallons, which was connected to his sprinkler system, and the entire system connected to the stand pipes, with ten dischargers, all supplied from the tank on the roof; a 4,000-gallon tank, the discharg-

ers and the stand pipes independent of the sprinkler system; all those points were given to Mr. Hammerstein, and this was in the lobby of the building.

Q. That is all incident to issuing the license? A. Yes, sir.

Q. This license is issued under provisions of section 500 of the building laws? A. Yes, sir; that man Mr. Brady handed him the list or schedule to comply with, he commenced a furious attack on Mr. Brady and myself, using the most vile language that a man could use, language that no one but a blackguard could use, and threatening and insinuating all such things as dishonesty and bribery and so on, and threatening to bring us into the court for refusing him the license; but we left the building, and on the following day he again requested a thorough examination, which was granted, and we again examined the building on the Saturday through his counsel; he had then obtained a counsel who had taken full charge of Mr. Hammerstein's business, and through his counsel, Mr. Field, the work was completed within twenty-four hours after he had taken charge of the case; upon making a third examination on this Saturday, the day on which he opened, we found that he had fairly complied with the law, and the license was issued; that is the history of the Hammerstein case.

By Senator FASSETT:

Q. It was intimated at the time in the press that this was part of a conspiracy to injure Mr. Hammerstein, because of some trouble he had had with one of the police officers, wasn't it? A. Yes, sir.

Q. Do you know anything about that? A. He had intimated that we were in league with the police department, and that was on account of his troubles with their department that we had become interest for the purpose of injuring him.

Q. Had your attention ever been called to him by any member of the police force? A. Never in the world.

By Senator AHEARN:

Q. You never knew anything about his troubles? A. The gentleman whom he had trouble with I never saw; I knew him by reputation only.

By Mr. IVINS:

Q. You mean the officer whom he had trouble with? A. The officer, Captain Hooker.

By Senator AHEARN:

Q. But there were three examinations made of the building before he complied? A. There were three examinations.

By Mr. Ivins:

Q. Do you insist that no license should be granted unless he put in certain specific classes of goods manufactured by particular people? A. No, sir; that was another insinuation that he made; he claimed that I was instigated in not issuing a license for the reason that he didn't obtain the Harkness fire extinguisher.

Q. Did you make any requirement that he should put that in? A. No, sir.

Q. Did you suggest that he should put it in? A. Before the selection was made there were several dealers who tried to sell Hammerstein some fire appliances; one of those dealers came to me and said that he understood that there was some fire officials interfering with the sale of his goods to Mr. Hammerstein; I asked him what was his authority; he stated that he had an order from Mr. Hammerstein for the Babcock extinguisher and that it was countermanded, and that it was done through the influence of some fire officials; I immediately issued an order by special messenger to see Mr. Hammerstein or his treasurer, Mr. Rosenberg, and informed him that he had a perfect right to buy any fire appliances that he saw fit and from whom he saw fit, and that I desired the name of the fire official who interfered or suggested the purchase of any particular kind of appliance; he refused to give the name of the official and countermanded the order, and then bought the Babcock extinguisher; I also gave the same order to his dealer, with directions to show Mr. Hammerstein and deliver that in person to him, which he did; that is the history of the fire appliance purchased; that he, of course, denied; he came out in the papers several times afterwards and stated that I and others were interested in the purchase of those appliances; but upon inquiry and through his counsel he positively denied that he ever stated so.

Q. Do you prepare the preliminary estimates which are subsequently passed in by the fire department to the board of estimate and apportionment as the provisional estimate for supplies? A. For our bureau only.

Q. What is the custom of the board of estimate and apportionment with regard to those particular estimates; are they usually allowed in full or disallowed in part? A. They are not allowed; they are generally cut down yearly.

Q. They are generally cut down? A. Yes, sir.

Q. To what extent are they cut down from your requisitions — five per cent, ten per cent, speaking generally? A. I couldn't give you the exact percentage; but I know we are never allowed what we ask for

Q. Have they been cut down at any time and the allowances made been so insufficient as to really impair the efficiency of your department for want of the supplies? A. They have, to a certain extent; but the deficiency has been overcome by the transfer from other appropriations to the appropriation which we required.

Q. So that in the long run you have usually got the appropriations that you asked for? A. Well, by transfers, but not to the amount asked for.

Q. In the long run you have got, if not all the money that you have asked for for expenditures, somewhat more than was allowed in the budget of appropriations for the particular year in the first instance? A. To some items; yes; not to all.

Q. Will you give us some specific illustrations of that? A. For instance, in the present year, on the general supply appropriations we ran short, and will be compelled to have other transfers made from the bureau of the chief of the department to the general supplies, which was cut down last year by the board of apportionment.

Q. Are these transfers made from the appropriations for other bureaus in your own department? A. Yes, sir.

Q. Or are they sometimes made by appropriations or by transfers from appropriations to other departments with the consent of the heads of the other departments? A. In both instances; it has occurred in both ways.

Mr. PURROY.—There has not been any transfer in years in any other department.

HENRY D. PURROY, recalled, further testified:

By Mr. IVINS:

Q. You have not had from the other departments in many years such transfers; then all the transfers you have had in your department have been simply from one account in your department to another account in your department? A. We have had none this year; but we are asking for one now of $5,000 from one account to another.

Q. Have you recently had any transfers in your department from the unexpended balances of the past year? A. No transfers of any kind this year; we are sending in one now of $5,000 from various unexpended balances of different accounts in the department to the account of apparatus and supplies.

Q. Has it ever been your practice to ask for and get the transfer of unexpended balances for accounts of antecedent years? A. I would not like to say positively never; but I know I can't remember a single case; it is very rare.

Q. The cases that you do remember have been transfers from the current account for the current year? A. That is it.

HUGH BONNER, recalled, further testified:

By Mr. IVINS:

Q. The essential and preliminary work of the fire department is the fire police, isn't it? A. No, sir; the uniformed force.

Q. The uniformed force and the extinction of fires? A. Yes, sir.

Q. Do you think that it would conduce to the improvement of the uniformed force if the fire department were confined exclusively to the exercise of the functions of the fire police so far as the uniformed force is concerned? A. I don't get your meaning.

Q. In other words, if the bureau of buildings and the bureau of combustibles were in some department other than the fire department, or in an independent department? A. No; I think they are best where they are; I think the combustible bureau and the bureau of buildings are just where they ought to be.

Q. Do you think their being where they are in any way militates against the efficiency and economy of the administration of the uniformed force? A. No, sir; not in the slightest; in fact, we are an aid to the building bureau.

By Senator FASSETT:

Q. As to anything in reference to the control you should have over the supply of water? A. We should have control over the water; we have not it now, and yet we are depended upon for the extinction of fires.

Q. Then there is a suggestion which you make; don't you think that that would be of advantage to the service? A. I do.

Q. What you mean by that is, you should have control of the kind of hydrants and the places where they should be located? A. Exactly, and no hydrants should be removed unless with the consent of the fire department.

By Mr. IVINS:

Q. Have you ever come into any really serious conflict in any way with the department of public works, as growing out of the question of hydrants? A. Not serious; we make demands from time to time on the department for hydrants in different localities and object to the removal of hydrants in certain localities, and they tell us they can't help it, that the appropriations are so small that they can't give

us the hydrants that we require, and I think they do try to do the best they can with the appropriations.

Q. Do you know whether there is any police control in any department in New York city over the system of gas apparatus and appliances? A. No, sir; I do not.

By Senator FASSETT:

Q. There is a gas meter inspector? A. There is a bureau of lamps and gas.

By Mr. IVINS:

Q. But that is for another purpose entirely; I mean as a matter of police; is it not possible that, as incident to improper plumbing on the gas pipes and fixtures alone that there is a danger to property by way of fire? A. Yes, sir.

Q. There is a control in the board of health over sanitary plumbing so far as affects drainage and other matters of that kind? A. Yes sir.

Q. Do you know whether there is any power either in the fire department or the board of health or anywhere else looking to the protection against fire through improper appliances for the use of gas? A. There is slightly in the building laws which require cut-offs to be placed on service pipes entering buildings, as well as electric lights, and that is all; this is the only supervision.

Q. Apart from that do you know of any? A. There is nothing at all.

By Senator FASSETT:

Q. Is there any such supervision with reference to the electric lights? A. That is under the same law.

By Mr. IVINS:

Q. In regard to the electric lights how is that managed? A. That is in the same manner; it comes under the laws of the building bureau; but they are so imperfect that we can make no handle of them; it is a dead letter; we can't enforce it.

Q. What should be done to make that enforceable? What is your experience as the chief of this department in the matter of fires caused by electric wires; how serious a menace or danger are electric wires to property, not to life but to property? A. They are becoming very dangerous every year; our report shows the number of fires caused by electric conductors every year.

Q. Can you turn to that in the report? A. Yes, sir; will the secretary find that part of the report; the city of Boston and other large

cities have adopted the method of appointing an electric expert as a separate bureau.

By Senator FASSETT:

Q. You have the power to do that now, haven't you? A. No, sir.

By Mr. IVINS:

Q. Appointed by whom? A. Appointed by the common council.

Q. So that he is an expert for the entire city? A. He is an expert, and what is called the city electrician.

By Senator FASSETT:

Q. Is not it possible for these commissioners under their general powers to appoint a subordinate and hire him and detail him to do just that sort of work? A. No, sir; we have no power to do so.

Mr. PURROY.— If we get the sanction of the board of estimate and apportionment there would be no difficulty.

Senator FASSETT.— In making that recommendation there is no necessity for any change of amplification of the law itself, if upon making that recommendation the board of estimate and apportionment would allow you an appropriation — you could do it?

Mr. PURROY.— Yes, sir.

Mr. IVINS.— You could employ the man, but is there any law which vests that man when employed with any power which is adequate to prevent that mischief, if there is any?

Mr. PURROY.— I think our general powers would cover it.

Mr. IVINS.— Do you think your general powers would be such that if you had a special man detailed to this work you could compel the stringing of wires on any building or the ingress or egress from a building by wires to conform with your requirements?

Mr. PURROY.— I don't say that we could do that, but we could make the recommendations to those who had charge of that.

Mr. IVINS.— Who would have charge of it?

Mr PURROY.— It would depend upon what the case was.

Mr. IVINS.— Suppose you found to-day that the wires running into the Fifth Avenue Hotel, or into the Imperial Hotel, had been strung in such a way that there was not adequate protection, in your judgment, do you know of any person to-day who has the power to compel the use of a different wire or the incasing of a wire in a different way?

Mr. PURROY.— I imagine if we discovered running into the Fifth Avenue Hotel, or any other hotel, a condition of affairs that was con-

ducing of fire, that under our general powers now, if they failed to make their wires safe, we could proceed against them in court.

Mr. IVINS.— And compel them to do it?

Mr. PURROY.— Yes, sir.

Mr. IVINS.— How would it be if it were a private dwelling?

Mr. PURROY.— The same way against the owner.

Mr. IVINS.— You would have the same power in the case of a private dwelling that you would have in the case of a hotel?

Mr. PURROY.— Yes, sir.

Mr. IVINS.— The report shows that there were fifty-five fires from electrical causes last year, does this report show what the losses by those fires were?

Senator FASSETT.— Yes; $122,547.

Mr. IVINS.— That was what proportion of the entire loss for the year? A. It was about two and a-half per cent of the entire loss on fires I see by the report.

Adjourned to Thursday, December 18, 1890, at 11 o'clock A. M.

THURSDAY MORNING, *December* 18, 1890.

Present — Senators Fassett, Stewart and Ahearn.

GEORGE DODGE, being called as a witness and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Dodge, what is your business? A. I am president of the Mineralized Rubber Company.

Q. Doing business in New York city? A. Yes, sir; No. 18 Cliff street.

Q. Did you ever have any business transactions with the fire department of the city? A. I have endeavored to have them; I never had any.

Q. You have endeavored to have them for the purpose of supplying — A. Selling hose to them.

Q. Selling your goods to them? A. Yes, sir.

Q. Have you not been successful in disposing of your goods to them? A. No, sir; entirely unsuccessful.

Q. What cause do you attribute that to, the fact that your goods are dearer in price or are not equally good in quality? A. No, sir; the goods that I have offered to the fire department are cheaper in price than they are paying, and at least of as good quality.

Q. Will you tell what negotiations you have had with the fire department? A. I think about five years ago when Fitz John Porter was commissioner for the first time, I approached them; I was introduced to Mr. Porter, General Porter; talked with him a good deal about hose; called there a number of times myself; and he gave me a good deal of encouragement about selling hose; it did not amount to anything at that time; about two years ago — I haven't the exact dates with me — there was a contract advertised in the *City Record* for fire hose; I tendered on that contract, with the necessary sureties, first-class men, with a certified check for the amount claimed, demanded; at eighty-five cents, and went so far as to say that we would guarantee the hose and give sureties that it should be as good hose as was used in the New York fire department or anywhere else; that tender was fifteen per cent below the tender that was accepted.

Q. Have your hose been used by other cities in competition with the hose that is now used by the city of New York? A. Yes, sir; a great number of cities, I think.

Q. What cities; name some of them? A. I don't know that I am prepared to name the cities, because that is a matter of detail that didn't come under my personal cognizance so much; the only case that occurs to my mind at this minute, where we came in direct competition with the hose used in the New York fire department, was in the case of the United States government at Jeffersonville; they have been in the habit of using the Gutta Percha and Rubber Manufacturing Company's hose there.

Q. Where is Jeffersonville? A. In Indiana; there is a large United States government supply station for the west; they are in the habit of ordering from ten to twenty-five thousand feet of hose at a time and we have had the contracts for sometime, and the first lot of hose that was put in after the Gutta Percha Company's hose after trying it a year they sent an unsolicited testimonial stating that it was in fact the best hose that they ever used; that was the only instance that occurs to my mind at this moment where we came in competition with the Gutta Percha Company's hose that was used previously; there was doubtless many such cases.

Q. There was put in evidence yesterday by Mr. Purroy in answer to my questions, a letter addressed by you to the fire department in which you had made a tender of your hose, in which it appeared, however, that you refused to submit your hose to the three years' test? A. That is simply untrue; the history of that is as follows: At that time I don't think any lengths of hose were sent for test

because it was not demanded, but before we made a tender in 1880, we sent 100 feet of hose to the headquarters of the fire department where we were instructed to send them by the people at the fire headquarters; and I suppose I sent there ten times, I sent there a great many times, begging and entreating them and demanding that the hose be tried; they simply refused to touch it, it came away in the same state in which it went there; it was utterly impossible to get it tried.

[Mr. Ivins hands a paper to the witness.]

The WITNESS.— That is my signature.

Q. That is your signature and your letter? A. Yes, sir.

Mr. IVINS.— This was the letter that was read yesterday by Mr. Purroy.

The WITNESS.— Since that time we have tendered with the three years' guarantee.

Q. You have since that time? A. We have since that time tendered with the three years' guarantee.

Q. This was in August, 1888? A. Eighteen hundred and eighty-eight.

Q. When did you tender your guarantee? A. I think early in 1889, we tendered, meeting all the requirements of the fire department, the three years' guarantee and everything else.

Q. What was the result of that tender? A. That is the tender I have just been telling you about; they would neither try the hose nor look at the tender; we tendered at eighty-five cents and the order given the Gutta Percha Company at a dollar.

Q. What was the unit, per foot? A. Per foot; I understand they have been paying one dollar and ten cents lately.

Senator FASSETT.— When was that letter dated.

Mr. IVINS.— August 2, 1888.

Senator FASSETT.— When was it that you made that tender?

The WITNESS.— In the spring of 1889 — I imagine about February.

Q. Was that tender by letter? A. It was on their regular printed form of tender delivered at the fire department with the necessary sureties and with a certified check.

Q. Have you a copy of that tender? A. I don't know whether I have a copy of it or not; I don't think I have.

Mr. IVINS [to Mr. Findley].— Will you make a memorandum to have that tender produced?

The WITNESS.— I think it must have been in March, 1889, that we made the tender.

By Mr. Ivins:

Q. If then the department has refused to take your goods, it is not because of your disinclination to accept the terms of the department? A. It is not.

Q. Because you have since then distinctly — A. Conformed to all their rules.

Q. And, therefore, the reason for not taking those goods, giving them a test, or dealing with you at all, paying any attention to your tender, is some reason different and other than that? A. Absolutely so.

Q. Now, do you know what the reason is? A. No; I don't know what the reason is; I suppose you are as capable of judging that, and the committee are more capable, probably, than I am.

Q. I did not know but you might know? A. I know New York city is paying for the same hose one dollar and upwards a foot that the Gutta Percha and Rubber Manufacturing Company — identically the same hose — are selling to other cities at eighty-five cents and upwards.

Q. How do you know that? A. By communications, and by general reports; I can give you the names of some of those cities.

Q. Will you give me the names of some of those cities? A. It is a very hard matter to ascertain; those people are not in the habit of giving away their secrets; I have the names of from about a dozen to twenty: Helena, Montana, ninety-five cents; Eau Claire, Wisconsin, ninety-five cents; Litchfield, Illinois, ninety and ninety-five cents; Worcester, Massachusetts, ninety cents; Terra Haute, Indiana, ninety-seven cents; Waddington, New York, seventy-five cents; I am inclined to think, however, that that is an error; I do not believe they did sell it for seventy-five cents; it comes from the city treasurer, but I think he has made a mistake; I want to state it frankly, because I don't believe that is correct.

Q. What is Waddington, a village? A. I don't know anything about it; Burlington, Kansas, ninety cents.

Q. You don't know about that Waddington sale? A. I don't know anything about Waddington, except we wrote to the city treasurer to know what price he paid for the Gutta Percha Company hose, and he wrote back seventy-five cents; Neilsville, Wisconsin, ninety-five cents; Charleston, Illinois, ninety cents; Marinette, Wisconsin, ninety-six cents; Ballou, Wisconsin, eighty cents; Charleston, South Carolina, ninety-five cents; Jackson, Ohio, ninety-eight cents; Menominee, Michigan, ninety cents; Watertown, Wisconsin, ninety and one-half cents; Indianapolis, Indiana, ninety cents; I believe the last was only a tender; I believe it was not an order given; it was a tender.

By Senator FASSETT:

Q. What knowledge have you that the hose which is sold for these prices, as just scheduled, is identically the same hose that New York is purchasing? A. Every hose manufacturer has a brand, most hose manufacturers have two or three brands; the Maltese Cross brand is a very good hose, it is known in the trade as a standard brand of fire hose; it is made only by the Gutta Percha and Rubber Manufacturing Company; it is carried in stock by them in large quantities, and if an order comes in for hose of the Maltese Cross brand, it is taken out and delivered; it is a standard in the trade.

Q. Have you any information as to whether the company have been manufacturing hose under the name of special make for the city? A. Oh, certainly not, I should judge; they should have given it another name if they had made a special hose.

Q. I understood Mr. Purroy yesterday to say that they had ordered of this company special hose? A. There is no hose made and never has been, at any price that rubber has ever reached in the thirty-seven years that I have been in the rubber trade, that could cost such a sum of money that ninety cents would not give a very large profit, indeed, on the sale; the contract calls for two and one-half four-ply hose with five-ply capped ends, weighing fifty-three to fifty-five pounds per length; those are the specifications.

Q. Mr. Dodge, do you know whether these cities which have received this hose, under the prices named, have any such thing as a three years test? A. Invariably; three years guarantee.

Q. Three years guarantee? A. Yes, sir.

Q. That is invariable? A. There is no risk whatever in a three years guarantee, except the risk of the people that are going to use it; any hose that will comply with the conditions of the New York specifications will stand three years service hard wear in a city and there is no trouble about that; the only trouble is that you are placing yourself in the hands of the firemen who use it, and that willful damage can easily be done.

By Mr. IVINS:

Q. Have you ever had your attention called to any case where you thought hose had not been fairly used or treated? A. Yes, sir; a great many cases; it opens a very wide subject, that; I will tell you, it is not absolutely damage that willful damage should be done to hose; if the hint is given, the mere fact of having the hose the leading hose, dragging up the cinders at a bad place at a fire, always on the outside of the reel, and not getting a fair and equal amount of wear.

Q. What you mean is approvable willful damage? A. Yes, sir; I mean the mere hint to the firemen would be quite sufficient to cause the hose to wear out in half its usual time; every fire department should have four or five times as much hose as they use; it is only fair to turn and turn about; if it does not go turn and turn about, it goes turn all the time and no time below, as the sailors say, and you know as well as I do where it is going to; the fact is, that every fire department, you have to place yourself in their hands a great deal with every fire department.

Q. You say you have known of instances of that kind? A. Yes, sir.

Q. Have you known of any such instances in this city? A. No; not personally; I never sold any hose to the city and should not have the means of knowing that personally unless some hose came back to us damaged.

Q. Who is the president of the Gutta Percha Company? A. Mr. Spadone.

Q. Where is his office? A. I think, in Warren street.

Q. Did I understand you to say that this information in regard to prices was all communicated to you— A. From the city treasurers.

Q. Officially from the city treasurers? A. City treasurers or city clerks; we have written to the city treasurers of, I don't know how many, quite a number of cities where we heard the Maltese Cross brand was used, and asked if they would oblige us by stating the lowest price at which it was furnished for that city, and these were the replies.

Q. Did you get any replies showing that some cities were paying more? A. We found a number paying a dollar; I believe that is the outside.

Q. Here they pay one dollar and ten cents? A. They always used to pay a dollar, but I was informed the other day that they paid one dollar and ten cents lately.

Q. Who informed you? A. Mr. Cheever, of the Belting and Packing Company.

Q. Mr. Cheever is also a manufacturer of hose which has been tendered to this department, is he not? A. Well, he is king of the trade; he is the oldest rubber manufacturer and the richest company in the United States.

Q. You mean in this class of business? A. Of course, in the rubber business I am speaking of, and everybody follows Mr. Cheever's lead; they can get five or ten per cent more for their goods than anybody else in the market, from general repute, not possibly because their

goods are better, but they have a very high standard of excellence and they are good goods.

By Mr. FINDLEY:

Q. Mr. Dodge, you say that you have tendered to furnish hose to the fire department with the three years' guarantee called for by the regular contract of the department? A. Yes.

Q. Have you got a copy of such tender? A. No; I don't know whether I have or not; I could easily find it; we can prove by a gentleman who will follow me, presumably, here, that he took it to the department.

Q. When was that tender made? A. I think it was in March, 1889; I am not quite positive on that point.

Q. Who was it that took the tender? A. W. H. Wadsworth, in our employ.

Q. It was in writing, was it? A. Oh, yes; it was in writing, with the necessary sureties and with a certified check.

Q. Now, you at one time sent to the repair shops of the department a box containing one or two lengths of hose, did you not? A. I don't think the hose were in a box; I think the hose were open to show what it was.

Q. Were you not informed that the quantity of hose that was sent was not sufficient to furnish the text that was required? A. Most decidedly not.

Q. You were not? A. I want to go a little further than that and say that it is a mere subterfuge that has been advanced since by the fire department; I want to put that as strong as I know how; they should have had five hundred or a thousand feet at pleasure..

Q. You mean that is your opinion that that was a subterfuge? A. It is utterly untrue that they ever told me that they wanted more hose; put it that way.

Mr. FINDLEY.—That is all I want to ask the witness at present. I would like, if the committee please, to have the permission to call back the chief of the department to examine him further on this subject, and also the superintendent of the repair shop, who has charge of that matter; I would like the committee also to subpœna the proper officers of the Gutta Percha and Rubber Manufacturing Company about which this testimony has been given. We are informed by this company that the hose that they sell to New York are sold to other cities at no less, and generally even a greater price than we are paying for it, and they stand ready to open their books and show exactly the transactions that have taken place between them and other cities.

The WITNESS.— I should like to say something more on that than I have been asked, because I am placed in somewhat of an invidious position here; I believe I am credited to the trade with bringing on this investigation, which I did not do; I was not working for the Senate committee; I want to say this, that I have seen thousands and tens of thousands of feet of the Gutta Percha and Rubber Manufacturing Company's hose; that I have been a practical manufacturer all my life, going into it when I was fifteen years old; that I have yet to see, at any price, rubber ever touched, one foot of the Gutta Percha and Rubber Manufacturing Company's hose that cost them fifty cents to make; that is what I want to say.

Senator FASSETT.— I will make a statement which will clear you of any imputation in one respect. You, certainly, are not responsible for this investigation.

The WITNESS.— I don't care whether I am or not, but in our trade I am generally credited with carrying it all on my shoulders as far as the fire department is concerned; the fact of the matter is, I have simply been trying to sell hose for our company.

Senator FASSETT.— [To Mr. Findley.] I see no objections to those parties coming before the committee. Our counsel will furnish you with subpœnas if you desire, although we do not want to take up much time with it.

Mr. FINDLEY.— This is a specific charge now which we would like to meet.

Senator FASSETT.— Of course, the department have had this subject before them and have made their specific denial, the counsel's questions looking to this evidence, but I want the department to have fair play.

Mr. IVINS.— There is one thing on its face that needs further consideration by the department. Mr. Purroy when on the stand swore in terms that the reason these goods had not been taken, was because the requirements of the department had not been complied with, and as evidence of that, introduced this letter of the twenty-seventh of August, which, on its face, shows at that time the requirements of the department were not complied with, thus making it apparent, so far as the evidence was then in, that there was a good and final reason why these particular goods could not have been tried or accepted. It now appears, however, if Mr. Dodge is right, that that was not the reason, and I think it is due to the department that they should have an opportunity to state the further facts in that regard.

Q. These hose are made of what, Mr. Dodge? A. Rubber and cotton duck.

Q. What proportion of rubber is used in the manufacture of hose? A. Of course, that depends entirely on the hose; we sell hose at three cents a foot, and we sell hose at very large prices.

Q. I am taking the hose now — A The hose under consideration?

Q. Well, the Maltese Cross? A. A length of hose would weigh something over fifty pounds; of that — I am speaking very roughly because I want the figures to go in — of that something in the nature of one-fifth to one-seventh would be the weight of the duck; the rubber would be reduced in the Maltese Cross brand about fifty per cent, perhaps not more than forty per cent; in other words, with a fifty per cent of Para rubber there would be fifty per cent of mixture.

Q. Would that be a mixture of other lower grade rubbers or whiting and other outside materials? A. Both; they would hardly put in a whiting in such a good hose as that; there are better mixtures than whiting.

Q. It would be a low grade rubber? A. There might be some low-grade rubber; you are going into something I don't think you can lay down a definite rule about, it would depend upon the amount of Para rubber you had in stock, the amount of seasoning it had, the amount of seasoning it had after it had been in the mill, and a good many other things that I can hardly explain to you.

Q. What goes in there and is supposed by the public to be rubber is really rubber reduced forty per cent on outside material? A. Yes, sir; undoubtedly.

Q. That is what we want to get at? A. We will call friction between the plies is a high class of rubber, what we call the tube is a high class of rubber, but should not be as high as the friction, and the outside coating is not as good as the tube that resists the water internally.

Q. And you say that the Maltese Cross brand does not cost over fifty cents? A. I do not say it cost them over fifty cents, because I never have been in their mill, and do not know how extravagant they are in their manufacture; I will produce it for that.

Q. Does your brand cost you over fifty cents? A. No, sir; nor any one else in the trade; the Maltese Cross brand is not the best hose in the trade, though it is a good hose.

Q. What do you regard the best? A. The Belting and Packing Companies first, and the Boston Belting Company second.

Q. Does the Belting and Packing Company sell for more than the Maltese Cross? A. Yes, sir.

Q. How much more is it worth? A. A rubber dealer would give at least five per cent more for Cheever's than Spadone's I think, any

unprejudiced rubber dealer in the United States who understood his business.

By Senator AHEARN:

Q. Before you leave the stand I would like to ask you a question or two; what offer did you make? A. I offered to comply with all their conditions and sell it at eighty-five cents.

Q. You say it only cost you fifty cents? A. It only costs us fifty cents, but we have the bogy of three years upon it

Q. Don't you consider that thirty-five cents a pretty good margin? A. We tendered that same hose to the United States government for fifty-four cents or fifty-six cents and we were beaten; the United States government buy right here in the city of New York all the time; they buy hose at from fifty to sixty cents, just in every respect the identical hose except that it is not made by the Gutta Percha Company; that is a first-class hose; I will tell you why they do it; they have an expert to determine whether or not the conditions of the contract are carried out, and if they consider that they are, they pay you for the hose, if they consider they are not, they reject the hose; and they are very sharp, very strict indeed; but your liability ceases there and then when you complete your contract you get your money and are done with it; on the other hand you have three years to deal with all sorts of people.

WILLIAM H. WADSWORTH, being called as witness and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Wadsworth, what is your business? A. I am superintendent of the Mineralized Rubber Company.

Q. Have you ever made a tender for or on behalf of the company to the fire department to supply them with your hose which tender was made on the blanks of the department and in conformity with all the requirements of the department? A. I have; yes, sir.

Q. How did you make the tender, through the mail or in person or by messenger? A. I handed it personally to Mr. Henry J. Purroy.

Q. You personally? A. Yes, sir.

Q. When was that? A. I believe in September or October, 1888, following I think the proposals of July.

Q. Well, there is a letter here written on the 22d of August, 1888, in which Mr. Dodge states that he is unwilling to give a three years' guarantee and in which he also says that in order that fair treatment may be had for the hose it is necessary to be solid with the captains,

now, was this tender that you refer to the tender on the same advertisements relative to which this letter was written? A. I am not positive about that, sir, as to whether it was on that tender or a tender in March previous.

Q. March previous or March subsequent? A. March previous.

Q. That is March of 1888? A. That is March of 1888.

Q. Mr. Dodge has just referred to a tender which has been made since 1888, in the spring of 1889? A. It is possible that is true.

Q. Did you make that tender? A. If that is the one that is true; I am not positive as to the dates without going back to our books to see whether it is 1888 or 1889.

Q. But you are positive that you personally made a tender to Mr. Purroy on the department blank in conformity with all the requirements of the department? A. I did, sir.

Q. And that you were willing at that time to supply all the necessary lengths of hose for tests and to give the three years' guarantee? A. Yes, sir.

By Mr. FINDLEY:

Q. Have you, Mr. Wadsworth, any copy of the paper that you handed to Mr. Purroy? A. I have none; I presume they are in the files of our company.

Q. You think you have them on the files of your company? A. Yes, sir.

Q. Will you search for that copy and produce it here? A. Certainly.

Q. Where did you get your paper upon which you made your tender? A. I got those papers from the chief clerk of the fire department at the headquarters in Sixty-seventh street.

Q. And you think you have a copy of it still in the files of your company? A. I think so, sir.

Mr. FINDLEY.—Will you direct him to produce.

Senator FASSETT.—He will bring it for you if he agrees to.

By Mr. IVINS:

Q. Did you have any talk with Mr. Purroy at the time you made this tender? A. Yes, sir.

Q. What did Mr. Purroy say to you? A. Well, if you will allow me to go back; previous to that time Mr. Purroy had directed me to place in the department 100 feet of hose for test, and I did so, at their headquarters, or rather the repair shops in Third street, and I tried for two or three weeks to get that test made, and they never made it; and when the date for tender came, I went to Mr. Purroy and asked him why the hose had not been tested, and he said if I

would go up to the sitting of the board that I would get my answer from the report which would be made there; that was in his lower office; in the private office; I then handed him these tender papers; I went upstairs, and after the board was called together, Mr. Purroy stated that he understood that there were people there from the Mineralized rubber company who wished to be heard, and I stated that we wished to make the tender, and asked him to open the tenders that we had presented there; he said that he would not do so.

Q. How do you mean, open the tenders; that is, look at them? A. That is, look at the tender and read it as we had it; he said that he would not do so.

Q. Refused then to read the letter or paper that you took to him? A. Refused to read the tender.

Mr. DODGE.—The paper says "Sealed tenders will be received."

The WITNESS.—I asked him to open my tenders.

Q. You say the tender was not received? A. He received the tender from me to take upstairs, and when he had it on his desk he refused to open it, although I requested him to do so; yet he had our certified check and a bond for $30,000.

Q. In the tender? A. Yes, sir.

Q. Did you get your certified check back? A. He handed it to me across the desk after he had refused, and I declined to take it at first, and then he said, "There is no use, you will have to take it."

Q. Did he give any reason for saying it was no use; did he tell you why it was no use? A. He intimated that he was being blackmailed.

Q. By whom? A. Some one representing the Mineralized rubber company.

Q. How did he intimate it? A. In his own remarks of that kind; I can not tell you the exact words that he used, but he said that it was useless for any one to come there and try to bulldoze him.

Q. This check had been in the envelope with the tender? A. I think the check was probably outside of the closed envelope; I am not certain about that, but the two were together, they were both handed to Mr. Purroy together.

Mr. IVINS.—I will spread this on the minutes. There was advertised in the *City Record* under the signatures of Commissioners Purroy and Croker "To contractors. Sealed proposals for furnishing 10,000 feet two and one-half inch balanced woven cotton jacket rubber-lined hose with standard couplings attached will be received by the board of commissioners at the head of the fire department at the office of said department numbers 157 and 159 East Sixty-seventh street in the

city of New York, 10 o'clock A. M., Wednesday March 20, 1888, at which time they will be publicly opened by the head of such department and read."

Q. Is that the form in which these advertisements are usually made, so far as you are aware? A. Yes, sir.

Q. Now, are your hose, hose which conform with all these specifications, that is two and a half inch balanced woven cotton jacket rubber-lined hose with standard couplings?

Mr. DODGE.— You are reading the wrong one. We are not talking about cotton ply hose.

Mr. IVINS.— It appears to have been an error in regard to the classification of the hose as to cotton or rubber hose, and that may be stricken out. Will you be kind enough, Mr. Findley to find for us one of the specifications for supplying rubber hose, as they advertise for bids?

Mr. FINDLEY.—I will send to the office and get you one.

The WITNESS.— You ask me to the question as to whether we had a copy of the tender which we made at that time. I am not positive that we have an exact copy, but when Mr. Purroy refused to read that copy he instructed the clerk of the department to place it on file, so that in all probability the original copy or the original tender is in the possession of the fire department.

Q. You heard him give that instruction? A. I did, sir.

Q. Had you ever done anything in that way to attempt to treat directly or indirectly with any fire commissioner or any member of the fire department? A. None whatever.

Q. To secure their good will? A. None whatever.

Q. Had you ever made any attempt by threat or otherwise to urge them into purchasing your goods? A. Not the slightest; I never had any conversation with any member of the fire department except Henry D. Purroy — yes; I beg you pardon, I did have with Chief Shay.

Q. Was there any justification in any act of yours for Mr. Purroy's intimation that you were trying to blackmail or bulldoze the department? A. Not that I know of, sir.

Q. How do you get your figures on which to make your tender? A. From the chief clerk.

By Senator FASSETT:

Q. Of the fire department? A. Of the fire department; yes, sir; at Sixty-seventh street.

By Mr. IVINS:

Q. How many of these blanks does he give you at a time? A. In duplicate, I believe.

Q. In duplicate; have you ever had any difficulty in getting the blanks on which to make a tender? A. The first time that I called upon him he gave me blanks which simply showed the tender; gave no specifications; I did not discover that until after I returned to our office.

Q. So that if those blanks had been used, the tender would have been invalid; now, did you ever have any difficulty afterwards in getting blanks on which to tender? A. I called a second time for blanks, and asked for the specifications; he told me that they had no specifications, except those which were on file, and that I could take a copy of them if I chose, but he said it would be perfectly useless for me to do so, for no matter what we tendered, we could not get the contract, it was wasting my time.

Q. Who was the chief clerk? A. I don't know his name.

Q. Was it the same person who is chief clerk now? A. I think so.

Q. Do you mean Colonel Jussen? A. I should say so; he was a grey-whiskered gentleman, an elderly gentleman, a man about fifty years of age.

Q. He is the secretary and clerical head of the department, that is the one to whom you allude, is it? A. I suppose so, from his position in the office.

Mr. Ivins.— That is Colonel Jussen?

By Senator Fassett:

Q. Did he give any reason why you were wasting your time? A. Because he said that only one brand of hose would be bought by the department, and that was described in their specifications, which covered the Maltese Cross brands, and no others.

Q. And does their specification cover the Maltese Cross brand and no others? A. Yes, sir.

Q. Is it so named? A. I believe it is.

Q. Is not that specification in the advertisements? A. I think not.

By Mr. Ivins:

Q. Where does this gentleman sit, whom you supposed to be the chief clerk? A. In the chief clerk's office in the fire department headquarters, in a room next to Mr. Purroy's.

Q. A small room, is it? A. Yes, sir.

Q. That is Colonel Jussen? A. Colonel Jussen, I believe, is the name.

Senator Ahearn.— Mr. Findley, in connection with that, is there not always a date set for opening those sealed bids?

Mr. Findley.— There is.

Senator AHEARN.—Is it not possible that the reason they refused to open the bids, is because that was not the proper time?

Mr. FINDLEY.—Unquestionably that was the reason for not opening the bid at that time.

Senator AHEARN.—Did others have bids?

Mr. FINDLEY.—Yes, sir; unquestionably that was the reason for not opening the bids.

By Senator FASSETT:

Q. Do you know whether he ever did open the bid to act upon it? A. He did not, to my knowledge.

By Senator AHEARN:

Q. Not at that time while you were there? A. No, sir.

By Senator FASSETT:

Q. Did he give as a reason that he did not open it then, that that was not the time at which bids were to be opened? A. I believe he made some statement of the fact that it was late, but the reason that he gave was that he had a report from the chief of the fire department which he read, or had the clerk read on the subject.

By Mr. IVINS:

Q. If these specifications described the Maltese Cross brand, did you propose to supply Maltese Cross? A. No, sir.

Q. Then why did you bid at all, what was the use of your doing it? A. We intended to make a hose equal in every respect to that brand.

By Mr. FINDLEY:

Q. You say that Mr. Purroy had a report of the chief of the department read, what was the substance of the report? A. The substance of the report was that if we would furnish a thousand feet of hose, and leave it with the department for three years, that if at the end of that three years that hose should prove satisfactory, that they would consider the subject of buying them.

Q. And you did not, nor your company did not make any proposition to furnish that thousand feet of hose under that test, did you? A. Not under those terms; no, sir.

Q. Are you aware whether or not that is the test that is submitted to by all other dealers who have supplied hose to the department? A. I don't know of any test that has ever been made.

Q. Well, you are not aware that that is the test that is submitted to by all other companies? A. I am not aware, I don't know that of my own knowledge.

AMADEE SPADONE, being called as a witness, and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Spadone, what is your business? A. I am a manufacturer of rubber goods.

Q. What is you company? A. The Gutta Percha and Rubber Manufacturing Company.

Q. You are president of that company? A. I am, sir.

Q. You manufacture the Maltese Cross brand of hose? A. We do.

Q. You are now supplying the fire department with that brand of hose? A. We have; yes, sir.

Q. What are you getting from the fire department to-day for that hose? A. This fire department?

Q. Yes. A. One dollar per foot.

Q. Do you know the Mineralized Rubber Company's hose? A. I never saw any of it; never heard that they had any.

Q. Never saw any of it? A. No, sir; do you mean rubber hose?

Q. Yes. A. I never heard that they made hose at all, of any kind.

Q. Do you know Mr. Dodge, the gentleman here, the president of the company? A. That gentleman there?

Q. Yes. A. Yes, sir; I know him; I know him by sight.

Q. It is his company I refer to; have you ever seen any of their hose, or do you know anything about their rubber hose? A. No, sir.

Q. Do you know the Rubber Belting and Packing Company's hose? A. Test hose?

Q. Yes. A. Yes, sir.

Q. Is that hose an equally good hose with yours? A. I don't think it is.

Q. You don't think so? A. No, sir.

Q. Mr. Dodge has just testified that rubber dealers will take Mr. Cheever's hose at five per cent advance on the prices of your hose as better goods, what is your judgment in that regard? A. His fire hose?

Q. Yes. A. That is not true.

Q. Do you supply hose to any city more cheaply than you do to the city of New York? A. I do not.

Q. Mr. Dodge has testified that by correspondence with the finance officers of the following cities he has got answers from them to the following effect, that they use your Maltese Cross brand of hose and that they pay for those hose these prices: Helena, Montana, ninety-five cents; did you sell Helena, Montana, Maltese Cross goods for ninety-five cents? A. I never sold them.

Q. What do you sell these goods to the trade for? A. Don't sell them to the trade,

Q. Don't sell them to the trade at all? A. Very rarely; sometimes they get bids from us, but very seldom.

Q. Then if Helena, Montana, gets these goods— A. Helena, Montana, we never sold them.

Q. Might they not have got them from the trade? A. They might have got them from the Chicago store, we have a store in Chicago.

Q. So that they might have bought in Chicago? A. They might; yes, sir.

Q. That is your list of cities which you supply [handing paper to witness]? A. Yes, sir; we supply two kinds, the cotton as well as the rubber; these two towns we have sold cotton and in other instances it may have been rubber.

By Senator FASSETT:

Q. Are there two kinds of Maltese goods? A. That is a brand, you know.

Q. Does that apply to cotton goods? A. No, sir.

Q. Is that all Maltese brands? [Referring to paper.]

Mr. IVINS.— Yes; Maltese Cross; "below is a partial list of cities and towns using our Maltese Cross hose;" they refer to rubber hose only?

The WITNESS.— Yes, sir.

Q. So that if Helena, Montana, is named in this list it is prima facie true that you do sell to Helena, Montana? A. That we have sold; yes, sir.

Q. That those sales may have been made through your Chicago office? A. Yes, sir.

Q. Can your Chicago office sell rubber hose more cheaply than your New York office? A. No, sir.

Q. Can they sell as cheaply? A. Yes, sir.

Q. Where are those hose manufactured? A. In Brooklyn, New York.

Q. And can they afford to pay the freights on the hose and still sell as cheaply in that market as you sell here without the freight? A. That is one of the rules and customs of the trade, to deliver goods.

Q. Have you any means here for discovering at what price these goods are sold by the Chicago house? A. Well, sometimes they send us statements of the quantity of hose they have sold and the price, but not always, but I can get it.

Q. You can get it? A. Yes, sir.

Q. Will you get it for us? A. I will, sir.

Q. What territory is supplied by the Chicago house; I ask that so as to eliminate some other questions? A. I can not give it to you from memory, generally the northwestern territory.

Q. Wisconsin? A. Yes, sir.

Q. Will you make a memorandum of those cities, please; there is Helena, Montana? A. Well, they would sell in Montana.

Q. Eau Claire, Wisconsin, and Litchfield, Illinois; I suppose they would supply that also? A. I think they would; yes, sir.

Q. Worcester, Mass., you would supply? A. Well, Worcester, Mass., would be supplied from the Boston store, and I can ascertain that too.

Q. Do you know whether the Boston store has ever supplied Worcester, Mass., at ninety cents? A. I am very sure they have not, still I will tell you about that when I am examined again.

Q. Terra Haute, Indiana? A. That we would sell.

Q. You would sell that? A. Yes, sir.

Q. Have you ever sold them at ninety-seven cents? A. Not to my recollection.

Q. Will you see what they have been sold at? A. I will, sir.

Q. Burlington, Kansas? A. Yes, sir.

Q. At ninety cents; Neilsville, Wisconsin? A. Yes, sir.

Q. What is Waddington, New York, that is on your list? A. Yes, sir.

Q. You know the place? A. I don't know it; no, sir.

Q. It is on your list and they have been in correspondence with Mr. Dodge as appears from the testimony? A. Shall I put that down?

Q. Yes, please; Charleston, Illinois; Marinettee, Wisconsin; Ballou, Wisconsin; Charleston, South Carolina; Jackson, Ohio; Watertown, Wisconsin; Menominee, Michigan; Indianapolis, Indiana; do you supply Indianapolis? A. Yes, sir; I have sold them lots of it at one dollar a foot.

Q. Do you make a list price on these goods? A. Yes, sir.

Q. Make only one price? A. Yes, sir.

Q. And that a net price? A. Yes, sir.

Q. Do you ever make a discount or rebate to the buyers from the net list price? A. No, sir.

Q. Do you sell all goods at the same price? A. Always do the Maltese Cross hose, we have but one price for that.

Q. And you sell them at the same price to all buyers? A. We don't always sell the same make of hose, you know.

Q. I mean the Maltese Cross hose? A. Yes, sir.

Q. The Maltese Cross hose is always the same price? A. No, sir; I beg your pardon, that is a trade mark of ours; we make different

plies; we sell the three-ply hose and we would sell that below a dollar.

Q. How many kinds of Maltese Cross rubber hose are there? A. Well, we make four or five or six probably.

Q. Tell us what they are? A. Well, the plies would have something to do with it.

Q. How do you describe them? A. As three-ply hose, four, five, six, seven, and as they take more material and are heavier hose and would cost more on that account, we sell it for more.

Q. They are all described under the same name? A. Yes, sir; all sold by plies; it is a brand, it is a trademark; we also make two-inch hose and that we sell for less than the two and a half inch; we sometimes supply that.

Q. What is the hose you sell for New York? A. That is a special hose, four-ply hose made specially for New York to weigh thus and so, and to fill certain specifications, not to twist or turn.

Q. Two and a half-inch hose? A. Yes, sir; the specifications are printed.

Q. Do you supply that same hose to any other city? A. No, sir.

Q. Does your Boston or Chicago store handle that at all? A. No, sir.

Q. You don't manufacture it for any other department? A. No, sir; only for this department.

Mr. IVINS.—That would seem to go a great way towards clearing up the whole uncertainty of the business in this particular inquiry.

Senator FASSETT.—It would be sufficient, I suppose, to explain the difference in the cost.

The WITNESS.—We used to get more than we do now.

Q. What are you getting to-day? A. One dollar.

Q. What incentive did you offer to the fire department to get them to use your hose, and how long have they been using your hose? A. They have been using our hose off and on ever since we made it; I should think twenty years, fifteen years anyway.

Q. You have never, have you, at any time, offered any bonus or compensation to anybody in or connected with or representing this department as a consideration for taking these goods? A. Never; never.

Q. Have you ever been asked by anybody to? A. Never.

Q. And you have been supplying your goods regularly, right along, no matter who the commissioners were? A. We have supplied them; yes; for fifteen years at least.

Q. No matter who the chiefs were? A. Yes, sir.

Q. No matter who the clerks were? A. Chief Bates and the present

one, Chiefs Bonner and Shay; Shay has come down himself and brought orders for ten or twelve thousand feet of hose; when will I bring these?

Q. To-morrow will answer. A. Perhaps I will have to write about it.

Mr. IVINS.—Give us the prices paid by these people and the kind of hose they have had.

By Mr. FINDLEY:

Q. Mr. Spadone, why do you make a special kind of hose for the New York fire department? A. Because it is called for by the specifications.

Q. Have you ever sold that same brand of hose to any other city in the country? A. Never.

Q. Does the manufacture of that special brand of hose entail any additional expense upon your company? A. The most expensive hose that we manufacture of that brand of hose, the Maltese Cross; it costs us more than any other that we make.

By Senator FASSETT:

Q. How much more? A. Well, certainly, eight to ten cents a pound; we manufacture by the pound, you know, and sell by the foot; certainly eight to ten cents a pound; it is the most expensive hose that we manufacture.

Q. Would a foot weigh a pound? A. Well, not quite.

Q. It would be an addition of from six to eight cents a foot? A. I should say from five to six cents a foot; that would be safer, perhaps, five to six cents a foot.

By Mr. FINDLEY:

Q. How does this hose that you make for the New York fire department compare in quality and durability with other styles of hose that you manufacture? A. I don't know that it will last any longer than our regular Maltese Cross hose; it is more expensive because we use a finer duck; the hose has to be made lighter and we use a special duck in order that it won't twist but so much under pressure nor elongate but so much under pressure, which are the specifications drawn up by the department; it must twist but so much under a pressure of 400 pounds, it must not elongate but so much, nor expand but so much, and we have had to make a good many experiments in order to get a duck that would fill the specifications.

Q. Is this hose that you have thus manufactured of better quality or worse quality than other hose that you manufacture? A. It is equally as good and better in those respects for it won't twist or elon-

gate, won't draw the fireman from the ladder for instance as some hose does; this bias hose will contract you know and draw.

Q. Those peculiarities make the hose a better hose than they would be without those peculiarities, don't they? A. Better in those respects, yes, sir.

Q. How does that hose compare with any other hose that you know of manufactured in this country for fire department purposes? A. That is much better than anything-else that is made.

Q. You consider that the best hose for the fire department purposes that is made? A. Yes, sir; it is as good as our regular hose, and better in the respects I have pointed out.

By Senator FASSETT:

Mr. Spadone, in a letter submitted here yesterday it was stated that you had offered some of this hose such as you sold to the city of New York, 10,000 feet of it, to the United States quartermaster for $3,000 less than the same quantity of hose was sold to the city of New York for? A. Well, that is not true; you can not find any letter that we wrote; we never made any such proposition.

Q. You never made any proposition to sell the United States quartermaster. A. We have sold the United States quartermaster, but I don't recollect when we sold them Maltese hose; we have sometimes; but I will guarantee that we have got a dollar a foot for it; we have sold the United States navy thousands of feet for that.

By Mr. FINDLEY:

Q. What test did you submit this hose to before it was adopted by the fire department? A. We submitted it to tests at the factory.

Q. No; in the department? A. Every foot, I believe, has been tested by the department.

By Senator FASSETT:

Q. What test do you allow the department to make of your hose? A. Test every foot of hose, every length, at the repair shop; it has to conform to the specifications.

By Mr. IVINS:

Q. How did it come that the custom grew up between yourselves and the department for you to guarantee your hose for three years? A. They asked us.

Q. Have you ever had to pay anything under that guarantee? A. We have replaced a great many sections of hose under that guarantee.

Q. So that the guarantee has actually been an effective safeguard to the city? A. Oh, yes, sir.

Q. And a consequent loss to you? A. Oh, yes, sir,

Q. Mr. Dodge swore that in his judgment your hose can be manufactured at a gross cost not in excess of fifty cents a foot, can it be? A. No. sir; Mr. Dodge don't know anything about it; he is not a manufacturer.

Mr. FINDLEY.—Our books will show the return of hundreds and hundreds of lengths that have been replaced under that guarantee.

THOMAS J. BRADY, being called as a witness and duly sworn, testified as follows:

By Mr. IVINS:

Q. What is your business? A. Superintendent of buildings, city of New York.

Q. How long have you been superintendent of buildings? A. Since the 1st of April, 1889.

Q. What is your age? A. If I live one week from to-day, I will be thirty-eight years of age; next Christmas day.

Q. Are you an architect? A. Partly.

Q. What do you mean by "partly?" A. An architect because I am competent to prepare a plan for any building in New York city.

Q. What, as you understand it, does the word "architect," when used professionally, mean? A. A man competent to prepare plans for buildings.

Q. Is there any official way of determining whether a man is an architect or not? A. No, sir.

Q. Have you ever been in business as an architect? A. No, sir.

Q. Have you ever prepared plans and received fees as an architect? A. No, sir.

Q. Have you ever been called into consultation by other architects as an architect? A. I have; invariably.

Q. Prior to your having become superintendent of buildings, I mean? A. During my term as deputy superintendent.

Q. Well, prior to that? A. And by builders prior to that.

Q. How long have you been superintendent? A. First of April, 1889.

Q. How long were you deputy superintendent? A. Nineteenth of October, 1887.

Q. Mr. Dentsch was at that time the superintendent, was he not? A. Yes.

Q. By whom were you appointed? A. By the fire commissioners.

Q. At whose request? A. That I could not swear positively, I believe on the recommendation of Mr. Croker.

Q. Mr. Croker, at that time, being a fire commissioner? A. Being a fire commissioner.

Q. Did Mr. Dentsch have any power in the matter of appointment? A. None.

Q. Either to give or withhold his refusal? A. None.

Q. The position which you now hold has all of the powers which were held in the past, with certain additional powers under new laws, granted since then — with all the powers that were held in the past, as I say, by the building department of this city? A. Yes, sir; I would like to qualify that answer, please, as I do not thoroughly understand whether you include the building department prior to its organization included in the fire department, or as it was formerly, the building department?

Q. I mean as an independent building department? A. That I am not conversant or ready to answer, because I don't know what the law was, as administered by the superintendent of buildings prior to its connection with the fire department.

Q. After having been an entirely independent department, it became a department, the head of which was appointed by the fire commissioners, did it not? A. Yes, sir.

Q. Who was at the head of that department when the legislature deprived it of its departmental existence? A. Henry J. Dudley.

Q. And after it had been deprived of its departmental existence, without any change in the powers, however, of the head of the department or bureau, it became a bureau in the fire department? A. Yes, sir.

Q. And the head of the bureau in the fire department was then appointed by the fire commissioners? A. Yes, sir; as I understand it.

Q. Just as the head of the department had once been appointed? A. That is as I understand it.

Q. The change from a department to a bureau simply had the effect, did it not, of making the fire commissioners themselves responsible for its administration? A. To a certain extent that would be true; in other respects it would not be true.

Q. Well, do you understand that prior to this change the fire department was not responsible for the administration at all? A. They were not, prior to that time.

Q. And this has simply increased the measure of the responsibility? A. Yes, sir.

Senator FASSETT:

Q. The general powers and duties, in other words, of the building department remained the same after it became a bureau as they were before? A. That is the facts of the case as they exist to-day.

Q. You simply came in under the wings of the fire department, and by so much they assumed part of the responsibility for the way in which you, being a bureau of that department, performed your duties? A. Yes, sir; the only difference in the responsibility is that the superintendent of buildings, under the present law, being the head of the bureau, all appointments, dismissals, trials, charges and matters of that character are referred to the fire commissioners; heretofore the superintendent had full power to act individually.

Senator FASSETT. — That is simply an administrative change.

Mr. IVINS. — I will read, for the purposes of basis for these questions, section 514 of the Consolidation Act as amended by section 37, chapter 566, of the laws of 1887: "The fire department of the city of New York shall be and is hereby charged with the enforcement of the provisions of this title through the bureau of inspection of buildings and shall appoint all the officers thereof, namely: A superintendent of buildings, two deputies, to be designated respectively the first and second deputy superintendents of buildings, inspectors of buildings, clerks, messengers and assistants; the chief officer of said bureau shall be the superintendent of buildings, and he and the deputy superintendents of buildings shall each be a competent architect or builder of at least ten years' practice; the inspectors shall be competent men, either architects, civil engineers, masons, carpenters or iron-workers, who shall have served ten years as such; they shall be men of good character, capable of writing a fair hand and be able to make out with clearness their reports; and no person shall serve as or be appointed to the office as an inspector of buildings in said bureau who is deficient in these qualifications; and before their appointment to office they shall pass an examination before the board of commissioners named in this title, who shall sign a certificate as to their competency to perform all of the duties of said office. It shall not be lawful for any officer or employe of said bureau to be engaged in conducting or carrying on business as an architect, civil engineer, carpenter or iron-worker, mason or builder, in the city of New York while holding office in said bureau. The superintendent of buildings shall be authorized to designate in writing one of the deputy superintendents of buildings, or any of the inspectors, to act on any survey authorized by this title, or perform such other duties as the said superintendent may direct. The deputy superintendent of buildings

to be designated by the superintendent shall act as superintendent of buildings in case of the absence of the superintendent from his office, and shall, while so acting, possess all the powers in this title vested in or imposed upon the superintendent of buildings."

Q. Were you deputy superintendent before the passage of the law of 1887 or was it after? A. After; the Laws of 1887 created the position of deputy superintendents.

Q. How do we understand this: "The deputy superintendent of buildings to be designated by the superintendent shall act as superintendent of buildings;" that does not mean that he is to be appointed by the superintendent? A. That means, in the course of business in the office, the superintendent may be engaged, that it is impossible to leave the office to attend the survey of an unsafe building—

Q. Well, it is not necessary to go further in that? A. That was an explanation; in designating any inspectors, he has the same authority to sign that report under a survey on an unsafe building.

Q. That explains; had you been, in 1887, ten years—a builder of ten years' experience; ten years' practice? A. I had.

Q. Where? A. New York city.

Q. When did you begin building in New York city? A. Either the fall of '68 or '69, when I first went to work at the trade, to serve my time as an apprentice.

Q. Was that what you understand to be a builder? A. Yes, sir.

Q. What were you apprenticed at? A. Mason and builder.

Q. You were apprenticed as a mason and builder? A. Yes, sir.

Q. To whom were you apprenticed? A. To an older brother and his partner.

Q. What is the meaning of the two words "mason and builder" in that connection? A. Mason is a specific term—engaged in a certain character of work; builder is a general term—all classes of mechanics; that their services are those in connection with the construction of buildings are termed builders; carpenters are termed builders; masons are termed builders.

Q. Tradesmen? A. Engaged in the various matters connected with the construction of buildings.

Q. Your trade was that of mason, however? A. Yes, sir.

Q. Is there such a trade as that of builder, in the same sense in which we use the trade of mason? A. No, sir.

Q. Then you are by trade a mason? A. By trade a mason.

Q. And you were apprenticed to that trade when? A. I think it was in the fall of 1868; it might possibly have been 1869.

Q. How long did you work at your trade before you became a journeyman? A. Four years.

Q. Then you were a journeyman mason how long; doing mason's work, I mean? A. Yes, sir; from that time I had taken contracts prior to my entrance into the department.

Senator FASSETT.— No; but how long did you work at masonry.

Q. How long did you work at your trade as a journeyman? A. All the time except sometime as there might be better inducements offered to leave it to follow some other character of work; for instance, during '75 mason work was very dull in New York city; wages were not sufficient to support a mechanic; I could do better than to follow the mason business, and certainly I would avail myself of the opportunity to better my own condition.

Q. That was not by means of public office, was it? A. No, sir; it was in the construction of elevated railroads.

Q. When did you first take your contract as a builder — take your first contract as a builder? A. When I was two years in the business I was indirectly interested with my brother in all contracts assumed before I was out of my time; my brother and his partner had a separation in the partnership, and not being of age, I never received salary but had an interest in the business with my brother and conducted the business until the panic of '73 wiped us out.

Q. Did you ever, prior to going into this office as deputy superintendent, draw plans and specifications for a building? A. No, sir.

Q. You did not; are you competent to calculate strains on iron girders? A. I am.

Q. Have you ever been called upon to make such calculations? A. Every day.

Q. Have you ever had any training as a mechanical engineer? A. I have had practical experience and self-education at night by hard and constant study and by attending evening schools.

Q. Do you know whether there is a society of architects in New York city? A. I do.

Q. Is there one? A. Yes, sir.

Q. Are you a member of it? A. No, sir.

Q. Do you know what is generally understood as authorizing a person to use the title "architect" in the city? A. There would be considerable difference of opinion on that; professional men will claim that no person ought to use that except professional men; other men —

Q. Are you a professional architect? A. No, sir.

Q. Then you come in under the classification of a practical builder? A. Yes, sir.

Q. What large building had you put up in the city on your own contract, prior to going into this office? A. You speak of large building; that would depend upou what we considered a large building.

Q. Well, such a building as the Fifth Avenue Hotel; such a building as the Imperial? A. Never; none of them.

Q. What is the largest building you ever constructed in New York city? A. Ordinarily four, five-story tenement-houses, apartment-houses, private dwelling-houses.

Q. From twenty to fifty feet wide, I suppose? A. Yes, sir.

Q. The ordinary tenement-house? A. Yes, sir.

Q. Have you ever put up any of those buildings, or under your own control, where they have been what is known generally as iron structures? A. No, sir.

Q. Is it not a fact that many, if not most of the very large buildings which are now being put up in New York city, are iron structures? A. No, sir.

Q. That is not a fact? A. That is not a fact; I will state in connection with that matter —

Q. What is the fact with regard to such buildings, for instance, as the Union Trust Company's building; the Imperial Hotel; to what extent is iron used in those buildings? A. Iron is used in the building like the Union Trust building, to reduce the thickness of the walls and to carry the superstructure.

Q. How is it in the Imperial Hotel, as an illustration? A. It might, probably, be twenty per cent iron-work and forty per cent masonry.

Q. Had you ever constructed a building yourself, or drawn plans and specifications for a building where iron was utilized to that same extent? A. No, sir; I would like to state here, in making a statement in connection with the iron construction — that this theory of iron construction used in New York city, has only been introduced within the past three years, to any great extent, during my administration of the department; consequently, no man, whether he was an architect, builder, mason and builder, carpenter or builder, or an iron-worker, had any opportunity to erect, construct, or be interested in that character of work; it is a later-day construction.

Q. Who is your deputy superintendent, Mr. Brady? A. Mr. Enoch Vreeland.

Q. How long has he held that office? A. Since the 1, of April, 1889.

Q. That is since you became the superintendent? A. The superintendent; he was formerly second deputy superintendent.

Q. Do you know at whose request he was appointed? A. By the fire commissioners; I could not say by any individual commissioners.

Q. What examination was Mr. Vreeland subjected to prior to his appointment? A. None.

Q. None whatever? A. No, sir.

Q. You understand that this section does not apply, so far as its provisions concerning examinations go, to the superintendents and the deputies? A. Yes, sir; so determined by the civil service, the heads of bureaus, and exempt from any examinations.

Q. As a consequence of which, an inspector — which is an inferior office — has to submit to examination as to certain qualifications? A. Yes, sir.

Q. And the superior officers don't have to submit to any? A. Yes, sir; similar to the head of any other department, or any other bureau.

Q. Is Mr. Vreeland an architect, professional architect? A. No, sir.

Q. Is he a practical builder? A. Yes, sir; so I have been informed; I know nothing of Mr. Vreeland, except as Mr. Vreeland comes in contact with me in the office, at the time of his appointment.

Q. Do you know what steps the department, as a department, took to advise itself officially of the fact that he was a builder of ten years experience? A. I could not state that.

Q. Do you know what steps the department, as such, took to advise itself officially of the fact that you were a builder of ten years experience? A. They requested an affidavit, which I made.

Q. From you? A. And which is on file in the department.

Q. How many architects are there in the department; professional architects? A. None; when a man becomes a member of the building bureau, he can not be a professional architect; we have Mr. Little—

Q. How many men are there in the department who have, prior to going into the department, been a professional architect? A. Mr. Little, one of the architects engaged in the construction of this building, is now an inspector in that department; Mr. Louis A. Hornung, formerly practicing as an architect in the city, is now engaged in the bureau.

Q. What others? A. There are others who claim the title architects; such as Mr. Bernsteel; Mr. Schweitzer, who claims the title of a civil engineer, engaged in the department.

Q. I find that Mr. Hornung and Mr. Little are on the list as inspectors at $1,500 a year? A. Yes, sir; and Mr. Schweitzer, also.

Q. Can not a competent and successful architect in the city of New York, earn more than $1,500 a year in the practice of his profession as an architect? A. If they are lucky.

By Senator FASSETT:

Q. If they get the business, you mean, they can earn more. A. Yes, sir.

By Mr. IVINS:

Q. Do you know of any competent architects in the city of New York who have practiced their profession for any considerable length of time, who are not compensated as well as inspectors in your department? A. The word "competent architect" would be hard to apply — for me to determine their competency without an examination or knowing them intimately well.

Senator FASSETT.—Perhaps it would be a fair question, how much a competent architect can earn.

Q. Mr. Little was one of the architects of this building? A. Yes, sir.

Q. Do you remember when this building was constructed? A. Yes, sir.

Q. You remember that there was a considerable discussion at that time about the cost of this building, don't you? A. Yes, sir.

Q. And about architects' certificates, don't you? A. Yes, sir; I do.

Q. How old a man is Mr. Little? A. I judge Mr. Little to be a man in the neighborhood of 60 years of age; I have no way of determining that except by the man's appearance.

Q. And he was one of the architects who was involved in the new court-house, Tweed ring controversies, was he not? A. The inside history of this house or Mr. Little himself, I am not prepared to answer on; I simply know that his name appears on a tablet —

Senator FASSETT.—I think all the witness can do is to identify him.

Mr. IVINS.—I want to identify him; that is all.

THE WITNESS.— And he has admitted and stated to me that he was formerly connected with the construction of this building.

Q. How old a man is Mr. Hornung? A. Mr. Hornung is a man in the neighborhood of 35 years of age, judging from his appearance.

Q. How long has he practiced as an architect? A. As an architect, I could not say when he put his shingle out to open an office as an architect, but he has studied as an architect, and been engaged in the construction of buildings since he left school, a boy; his father is an engineer connected with the Hecla Iron Works in Williamsburg.

Senator FASSETT.— You say he is 35?

The WITNESS.— About 35.

By Mr. Ivins:

Q. I find there are sixty-nine employes in your department, of whom there is a superintendent, two deputy superintendents, a chief clerk and an assistant plan clerk, thirty-nine inspectors and four machinists, and that of this number there are two who are architects; Mr. Little, who was connected with the court house construction; Mr. Hornung, who is 35 years of age; two whose antecedent experience as an architect you are not prepared to testify? A. Affidavit on file of his ten years as a requirement under the law.

Q. And another man who claims to be an architect — what was his name, German? A. Schweitzer, civil engineer — Mr. Bernsteel.

Q. Mr. Bernsteel; what is Mr. Bernsteel; he is an inspector? A. An inspector.

Q. At eleven hundred dollars a year? A. Yes, sir.

Q. How old a man is he? A. Man probably 45, 48 years of age.

Q. Do you know whether he ever practiced as an architect? A. No, sir.

Q. Why should he have only eleven hundred dollars a year, and Mr. Little and Mr. Hornung, fifteen; is he not as good an architect as they? A. Qualifications don't enter into the question of salary in that department.

Q. Qualifications do not? A. No, sir.

Q. So that equally-qualified people may receive a salary of — one of them fifteen hundred dollars, as appears here, and others eleven hundred dollars, as appears here? A. Yes, sir; the appointment of the inspectors is at a grade of salary established by the fire commissioners; eleven hundred dollars is the standard scale of wages as an inspector of buildings; through merit the man may be increased, and the length of service connected with the bureau may warrant him to the recommendations of the commissioners, who have a right to increase his salary, and in cases where you find fifteen hundred dollars credited to one inspector and eleven to another, it has been from long service, valuable service, on recommendations of the commissioners.

Q. Now, I find John J. Tyndale, assistant plan clerk, at 2,000 a year? A. Yes, sir.

Q. Who is plan clerk? A. Plan clerk is the gentleman who receives all the applications for new buildings or alterations.

Q. Who is the plan clerk? A. John J. Tyndale.

Q. He is is described as assistant plan clerk? A. Mr. Page is the assistant plan clerk.

Q. I find him described as fire escape and violation clerk? A. That is right; Mr. W. H. Class is the fire escape and violation clerk?

Q. How long has Mr. Class been fire escape and violation clerk? A. He was connected with the old department and prior to its coming into the fire department; he has been in this department since its organization, ten years past.

Q. Is Mr. Tyndale, the clerk, an architect? A. That, I could not answer.

Q. Has he been a builder? A. I couldn't answer anything about Mr. Tyndale; he has been connected with the department before my connection with the department; he has been there since the department was organized.

Q. How old a man is he? A. About 68 or 70 years of age, I am informed — very old man.

Q. Does he do his work? A. Yes, sir.

Q. Or does someone else do it for him? A. Does his work; there every day from 9 o'clock until 5 and stays there later than the younger men do.

Q. You don't know whether he is an architect or a builder? A. No, sir; the duties of plan clerk is hardly requisite to have either an architect or a builder.

Q. Describe the duties? A. Receives the applications and places on file of the various architects when any new building is contemplated or an alteration; scans the affidavit to see that it is properly prepared, and scans the printed form of the application to see that it is properly worded and filled out; he looks at the general plan to see if there are sufficient plans, in his opinion, that it may be passed intelligently on when it reaches the superintendent's hands; gives it the record number; sees that it is properly filed, so that the plans can be found and accessible at all times, at any time they are required; having full control of filing of the plans and the directions of recording, etc.

Q. Are his duties as important and as difficult as the duties of an inspector? A. Yes, sir.

Q. Is he the man who judges of the sufficiency of these plans? A. No, sir.

Q. Is he the man who judges of the accuracy of these plans? A. No, sir.

Q. If he neither judges of the accuracy nor the sufficiency of these plans, how do you explain the fact that his duties are more important and more serious — A. I don't say "more;" I say equally or probably

more, in view of establishing the records of this department and keeping everything working right at the plan desk.

Q. Although called a plan clerk, he has nothing to do with the plans, except clerical work? A. Receiving — clerical work.

Q. It is a purely clerical position? A. Clerical position.

Q. Who is it that supervises, examines the plans both as to sufficiency and accuracy under the law? A. Myself, a majority of the plans; Mr. Vreeland, others; Mr. Hornung and Mr. Page.

Q. Did you examine the plans for the Imperial Hotel? A. I could not swear to that positively; I think very likely I did.

By Senator Fassett:

Q. Somebody in your department must have examined them? A. The permit is more than likely signed by myself personally.

By Mr. Ivins:

Q. Would you not remember if you did examine the plans for a hotel like that? A. No, sir.

Q. Did you examine the plans of the United States Trust Company's building? A. I think I did; I could almost swear positively that I did and signed that permit.

Q. Did you examine the plans of the Union Trust Company's building? A. Well, now, that is — such questions, which of those buildings —

Q. The United States Trust Company, on Broadway, between Wall and Broad, and the Union Trust Company's building is opposite Rector street? A. On Broadway below Wall; that is the one I speak of.

Q. Did you examine the plans of the building of the New York *Times?* A. No, sir; that was filed while Mr. Dentsch was the superintendent.

Q. Did you examine the plans of the New York *World?* A. Yes, sir; and signed a permit.

Q. What experience have you had, which, in your own judgment, qualifies you to, as an expert, examine and pass upon the plans of a building like the New York *World?* A. Well, as I said before, practical experience, hard study and constant attention to business.

Q. Now, is it not possible that in a building like that of the New York *World*, errors might have been committed, of such a character — or any other building of the same kind; I only take that as an illustration — errors might have been committed by the architects of such a character that the bulding would not stand the strains put upon it after it was up? A. Might.

Q. Does it not require a great deal of the very best ability and technical skill to draw a plan so as not to make a building unnecessarily and expensively heavy and, at the same time, while economizing in the material of construction, to make it absolutely safe? A. It does.

Q. Is your experience and ability such that you could, from an examination of the plans, detect the errors of an architect? A. They are.

Q. In those regards? A. Yes, sir; I would say I was.

Q. Now, take the building of the New York *World* and tell us exactly what you did by way of checking off so as to make efficient your examination of those plans and specifications? A. That would be impossible for me to state without sending for the documents that are on file at the office, and producing them right here in court; then I will give you an explanation of the plans and application, and show you the amendments which I exacted of the architect who had prepared that design; and I will state now that probably seventy-five per cent of the plans submitted to me in that department are amended and altered after filing those plans at the office, so that these mistakes that you allude to in that question is guarded against by carefully studying the computations and close examination of the plans as submitted.

Q. How many alterations did you require of the plans of the World Building? A. That would be impossible to answer until I produced the documents here and they will verify my statement.

Q. You will produce those after dinner, won't you; what is the general nature of them? A. That I could not tell you; may be possibly increasing an individual column, the column wouldn't safely stand the load; might be to increase a girder; might be the thickness of the wall was not of a lawful character — I can not recollect those various matters, passing through the amount of business that goes through my hands every day; this year's business will run nearly seventy-five millions of dollars.

Q. How many buildings will it run? A. I haven't got the yearly report; probably Mr. Shields, the chief clerk there, can give me some information.

Q. You can tell approximately what it is? A. Have you got that tabulated form, Mr. Shields, about the amount of building or anything near it for this year? The number of applications does not correspond with the number of buildings because the number of the buildings — sometimes one application will cover ten buildings, may be twenty?

By Senator FASSETT :

Q. These applications must be filed and approved before any construction is commenced, must they not? A. Yes, sir.

Q. And right here while they are looking that up; there is no legal way of ascertaining precisely what is or is not an architect, is there? A. No, sir.

Q. There is no definition which would cover it exactly? A. No, sir.

Q. Does it take about as much skill to go over an architect's plans for the purpose of correcting or revising the same, as it would originally to create plans? A. The question of the design is a feature that the architect creates in his own mind, the general plan.

Q. But the mere computation of strain and strength of material — A. It is a portion of a civil engineer's work, as much as an architect's work.

Q. Apart from the question of molding into a form, giving shape and spacing out the rooms, it requires about as much skill to check off the plans in reference to their strength and durability as it does to create and put them together, does it not? A. Yes; the situation of rooms as designed by an architect in the building we have no jurisdiction of; we don't care anything whether he puts a bed-room eight feet square or whether he makes it twenty feet square, providing the walls of the building are amply strong to sustain the loads, or if there are any posts, girders, piers carrying any loads, that they were safe to sustain the load imposed upon them; and those matters are mere matters of calculation; must be thoroughly posted and qualified on the law, that no infringements of the law will work into those plans.

Q. Do you have jurisdiction over, then, the strength of a building apart altogether from the question of its liability to take fire? A. No, sir; we take all those points into consideration.

Q. You have jurisdiction over all those points? A. Yes, sir.

Mr. IVINS — Oh, yes; this is the old building department; this is the building police — the same protection of life and property from the point of building as the fire department is from the point of fire.

Q. Then apart from the question of liability to fire, most of your business is to simply calculate the strength of material and strain and power of resistance, things of that kind is it not? A. Yes sir, and to see that the law is not violated; there is certain questions that is prescribed by the building law, making it mandatory on architects to prepare plans according to the building law, as regards the height of the building, it must have a certain thickness of wall.

Q. That is, there are certain laws of strain and resistance which have been formulated into statute? A. Into statute.

Q. And architects are not allowed any— A. No leeway.

Q. —— discretion whatever? A. No discretion.

Senator FASSETT.—Even no matter what the material is which they use.

By Mr. IVINS:

Q. Now, the architects are familiar with the requirement of the law, are they not, as a rule? A. Some of them are, but a majority are not, I am sorry to say.

Q. That is very easy of determination, is it not; as soon as the plans are presented to you you can see at once whether or not they have conformed? A. No, sir; requires a deep study, careful thought.

Q. To find out whether they have conformed with the explicit requirement of the law? A. Yes, sir.

Q. What particular sections of the law have you in mind when you speak of these requirements; I would like to turn to them? A. An architect may give me a section of a wall for a building that might be 115 feet high; in his design he might carry two stories with a wall of a thickness as prescribed by law, the additional three stories he might have it four inches less than the thickness prescribed by law; it would be impossible for me, on a superficial examination, to detect that until I would scale the thickness of the wall, measure the height of the building, and then know from the mandatory sections of the law the thickness required and see whether a mistake cropped out.

Q. You start with a knowledge of the law? A. I start with a knowledge of the law.

Q. That you know to begin with? A. Yes, sir.

Q. And a plan is then presented to you showing the elevation, let us say, of a particular wall? A. Yes, sir; don't use elevations; show the thickness of walls by stories as they are filled out by scale.

By Senator FASSETT:

Q. Cross sections? A. Generally measure them by scale.

Q. Do you have to make the measurement by scale yourself? A. Very often.

Q. Is it not indicated on the plan, four inches, six or eight inches? A. We have to make them do that; invariably the draughtsmen — or, the plans prepared for the building bureau is prepared in a very crude state, by draughtsmen employed by architects, or probably boys, because the construction portion of the building is what we exact — the character of the detail, of ornamentation and matters of

that character we do not pass on; we do not look into; we have no jurisdiction under the law for that purpose, and the outline —

By Mr. Ivins:

Q. The æsthetic side of it is none of your business? A. None of our business.

By Senator Fassett:

Q. In other words, it is a mere question of mathematical accuracy from start to finish with you? A. Start to finish, yes, sir.

Q. Obedience to certain technical requirements of the law? A. Yes, sir.

By Mr. Ivins:

Q. Suppose certain plans have been filed and you, in looking at them, the plans being drawn to a scale, want to test the question as to whether or not the walls, a three or four story wall, say, are of a sufficient thickness; you can do that at once from the scale, can you not; by the application of the scale? A. Certainly.

Q. That does not require any expert knowledge, does it? A. I might ask you to ascertain the thickness of a wall and you might not know how to do it; consequently, it would be an expert knowledge that had to be acquired or learned.

Q. That is very likely; anything has to be learned; we even have to learn to talk, but any ordinary clerk can be taught that in a very few minutes.

By Senator Fassett:

Q. It is not a difficult operation, is it? A. Yes; it is at times.

By Mr. Ivins:

Q. What renders it difficult at any time? A. A plan may be prepared at one-sixteenth of an inch scale; another plan may be prepared at an eighth of an inch scale; another a quarter; may be we might get a full-sized section, and may be we might get a half-inch, or, as we term, a working drawing; consequently, a person must be posted to understand his business, to know when he makes his measurement whether he is working at an eighth or sixteenth.

Q. In other words he must be an intelligent man? A. Must be an intelligent man at any rate, and have experience ——

Q. Does it require anything more than intelligence? A. Must be experienced in the business.

Q. And carefulness? A. Yes, sir; must be experienced.

Q. Can no man except an experienced builder check off the accuracy of those plans; that is, compare the plan itself with the scale to see whether the plan as drawn conforms with the scale under the plan? A. If we simply want to know by scale the thickness of the wall, I can instruct one of the subordinate clerks or messengers to do that portion of the work in a very short time.

Q. Suppose that we find that by the scale and by the plan the wall is sufficiently thick; now, what further duty in that regard do you have to perform, and how do you perform it? A. There might be a window, or there might be beams bearing on a window; there might not be sufficient depth of masonry; there may not be a proper lintel to support the floor loads; the walls may be honey-combed with windows; the piers may have to support the loads from the foundations; those a practical man will see immediately; as soon as I, or a person thoroughly conversant with plans, pick up his plans he detects these questions; if they are of sufficient importance he makes his estimate to see whether that pier will safely support the load or not; if it will not, it is denied and it is required to be increased in strength to sustain the loads.

Q. It is at that point that the application of really expert and technical knowledge comes in? A. That is a point where passed by the superintendent, and those are the points the superintendent passes on continually.

Q. Let us take an instance such as that of the Union Trust Company.

By Senator FASSETT:

Q. The strain and the transmission of force? A. Yes, sir.

By Mr. IVINS:

Q. The Union Trust Company building was constructed by David H. King, was it not? A. Yes, sir.

Q. Is Mr. King an architect as well as a builder? A. I don't know that he ever claimed to be an architect; if he claimed to be an architect I would have no reason to doubt that he was; a builder is what he is termed.

Senator FASSETT.— He is a practical builder and large contractor, is he not?

Q. Did he file the plans of that building? A. No, sir; if I recollect right Mr. George B. Post was the architect who filed the plans for that.

Q. Did you find occasion to require changes in the plans of the

Union Trust Company building? A. It is more than likely that I did but I could not specify thoroughly off-hand.

Q. But at any rate, the person occupying your position may find himself at any time under the necessity, in his judgment, of requiring changes in even such a building as that? A. Yes, sir.

Q. So that a superintendent of buildings of the city of New York, is really a superior officer, and one to whom an appeal may be taken, from the judgment of such architects as Mr. George B. Post, and such builders as David H. King? A. Yes, sir,

Q. And don't you think he ought to be of at least equal experience? A. Certainly should.

Mr. Ivins.— Well, I will move we adjourn —

The Witness.— I would like to state before the adjournment though, that in connection with the building of the Times building, of which Mr. George B. Post was the architect, while as deputy superintendent I examined a portion of those plans and went over matters of calculation in connection with them; that we hold in the office a letter thanking us — that is, to Mr. Dentsch; when I say "us" I am speaking collectively with Mr. Dentsch — thanking us for the care exercised in the examination of those plans; that he admitted in his own communication to us that he made a mistake in the construction of the Times building which was detected by the criticisms of the bureau.

Q. Did you detect that or did Mr. Dentsch? A. That was a matter that — Mr. Lowenson, a civil engineer formerly connected with the department, in estimating the loads on an arch — a very careful and close calculation was necessary; in criticising and passing on that plan it was detected in the calculations, Mr. Post's attention called to it, and when Mr. Post was notified of the fact he came up, or at least his representative came up and there went into a matter of computation as to the strains and the load that arch would stand, with Mr. Lowenson, who was then connected with the department as an inspector — termed as an inspector but practically a civil engineer — and admitted that there had been an oversight on the part of some person connected with the office, which we changed?

Q. Now, the case of the Times building was an altogether exceptional case, was it not; do you know of any other building in the city of New York where a new building has been built around an old building virtually, and new foundations put under an old building, and the old building kept in existence part of the time while the new building was being put up, and in occupancy all of the time until the new building was constructed? A. Not as completely as the Times

building; that I consider one of the greatest pieces of b
operations in New York city.

Q. It is altogether an exceptional case? A. Yes, sir.

Q. In architectural building, is it not? A. Yes, sir.

By Senator Fassett:

Q. Mr. Brady, what salary is attached to your position? A
thousand dollars per year.

Q. Any perquisites? A. I am sorry to say I have never fou
never seen any or received any.

Q. The fact is that you are the court of appeals, so far a
new building in New York city is concerned, as to the plans?
one sense of the word.

Q. You are the last authority? A. I would be except for o
[illegible] of the law.

Q. What is that? A. And that is the writ of mandamus.

Q. If you are arbitrary to the extent that architects feel t
[illegible] imposed upon builders will not stand it, they then h
[illegible] to the courts? A. Yes, sir.

Q. [illegible] you? A. [illegible] reason why I deny their appl
Q. And you do not know as we satisfactorily, the courts ca
[illegible] A. To issue the certificate or
[illegible] question of calculation or constru
[illegible] under mandamus.

[illegible]

[illegible]

By Senator Fassett:

Q. [illegible] how many plans are submit
[illegible] A. I can give you the official
[illegible] the official recor
[illegible]

[illegible]

[illegible]

By Senator Fassett:

Q. [illegible] A. This report that I h
[illegible] the present year.

Q. How many applications does that show — about 3,000? A. For three-quarters of this year in the neighborhood of 3,000 applications.

Q. That would be about 4,000 a year? A. About 4,000; some years they run a little more than that.

Q. Does that show how many applications are refused? A. We have another record here that shows how many applications are disapproved at the first.

Q. How many are disapproved?

Mr. BRADY [To Mr. Shields.]— Have you got that record Mr. Shields, showing the plans approved and the plans disapproved?

Senator FASSETT.— Perhaps Mr. Shields would be the proper person to examine on this subject, Mr. Ivins.

Mr. IVINS.— No; I think that Mr Brady can answer these questions.

The WITNESS — The statistical reports are all prepared by Mr. Shields as chief clerk of the bureau.

Mr. SHIELDS.— This shows the number amended and approved and the number finally disapproved [producing report].

Mr. IVINS.— It shows as approved — we will take for the quarter ending March 31, 1890 — this report shows that for that quarter there were received 913 for new buildings; that the total to be examined was that 913 plus 11 which were pending since the last report, making 924, at the beginning of this quarter, that is of the quarter ending March thirty-first; that of the 924 there were approved 369, there were amended and approved 425, disapproved 93.

By Senator FASSETT:

Q. Does that mean that all those that are not marked amended and approved were approved absolutely as they came in, without change? A. Yes, sir.

Q. That would be a little over half? A. About half.

Q. So that, is it fair to state that about fifty per cent of the applications that come to you for new buildings have to be amended before you can approve of them? A. Yes, sir.

Q. What is the general nature, if you can tell me, of the amendments? A. Well, they all vary according to the character of the building.

Q. It all has reference, however, to remedying some defects? A. Yes, sir.

Q. In structure? A. In structure, or to conform to the law.

Senator FASSETT.— That is quite a comment on the architects in this city, I think.

Q. Of the ninety-three that were refused, for instance, in the three-quarters of last year, have the courts compelled you to issue certifi-

cates in any case? A. No, sir; I have not been subpœnaed under writ of mandamus during my term as superintendent with the exception of one case, and that was in Barnum & Bailey's erection of tents at One Hundred and Tenth street, for which I denied their application on legal grounds; they mandamused the bureau in that case, and that was the only appeal that has been taken.

Q. One more question, and I have done on this line; can you tell me, and if so you may tell me, whether a great majority of this fifty per cent of amendments is made to remedy defects in the plans; made so on account of the exact requirements of law, or structural defects inherent in the plans themselves? A. Well, you might say fifty per cent of those rejected are on those grounds.

Q. It is about even up? A. Yes; legal and structural.

Q. About twenty-five per cent of the plans that are submitted for your approval in this city have structural weaknesses? A. Yes, sir.

Q. It would seem as if it might be an improvement, so far as parties desiring to invest capital are concerned, to have a guild of architects? A. Well, I don't know about that; the American Institute of Architects is a recognized legal body representing the architects, and members of that body are criticized in the same way, or their plans are criticized in the same way.

By Mr. IVINS:

Q. The result is, then, that so far as appeals to the courts go, there appears to be no complaint on the part of the builders or architects, through their refusal to acquiesce in your plans and the way in which you conduct the business of your office? A. None that I know of.

Q. In addition to these plans for new buildings, plans are also required to be filed for alteration to buildings? A. Yes, sir.

Q. This statement, which has been prepared by your department shows, for the same quarter ending March 31, 1890, that there was, pending the last report, twenty-two cases; received during the quarter, 652 new applications for alerations, making a total to be passed upon by your bureau during that quarter of 674, of which 339 were approved, 229 amended and approved, and sixty-seven disapproved?

[Statements referred to offered in evidence by Mr. Ivins and marked Exhibits 1, 2, and 3 of this date.]

Q. Tell us first what the duties of inspectors are? A. The inspectors are to examine all new buildings in course of construction, to examine all buildings being altered, to report all violations of the building law that come to their notice during the alteration or

erection of a new building or any other violation of the building law that they may discover, whether it is in a new or old building; also to discover buildings requiring additional means of exit in case of fire and report them to the bureau.

Q. How are they assigned to their several duties, to their work? A. The city is divided into various districts according to the amount of work located in certain boundaries; those districts are changed as the amount of work changes, to equalize the work as near as possible among the inspectors; for instance the inspector of what we would term the first district —

Q. How many districts are there? A. We have thirty-eight districts, the inspector on the first district is Mr. Clague; he would have all that section of the city south of New Chambers and James Slip and east of Nassau and Broad streets to the Battery.

Q. Take his case then as illustrative; he is assigned regularly to that district? A. That is his district and he patrols that district every day.

Q. Is there always one man assigned to that district? A. No, sir; I have two men detailed to examine the iron work on all heavy buildings, to see that they comply with the specifications and applications as approved by the department, and to estimate the iron on the ground when delivered and before being placed in position.

Q. In patroling that district he has two classes of duties, hasn't he, the first is to make a specific investigation of the buildings going up in the district for which plans have been filed, for the purpose of seeing if they conform to those plans? A. Yes, sir.

Q. The second class of duties is to see whether any alterations are being made in any building in the district without having first complied with the law by filing plans? A. Yes, sir.

Q. He has his instructions specifically with regard to the first of those duties, hasn't he? A. That is where buildings are going up; he has a copy of the permit that is issued; when a permit is issued to a builder or an architect to erect a building, a copy of that is made and forwarded to the inspector, and he carries a copy of that in his pocket.

Q. Have you a copy of such permit here? A. Yes, sir; and I can show you the original which they have duplicates of.

Q. Let me see it?

[Mr. Brady to Mr. Shields]. — Mr. Shields, give Mr. Ivins any one of those applications for new buildings.

Mr. Shields.— Here is a form of one of the permits [producing paper].

By Mr. IVINS:

Q. This is for the erection of a theater in One Hundred and Twenty-fourth street, the side of the theater; is this Hammerstein's theater? A. Yes, sir.

[Paper marked Exhibit 4 of this date.]

The WITNESS — I would ask that while it be placed in control of the committee as an exhibit, that the paper may be preserved so that we we may produce it at any time under a subpœna *duces tecum.*

Senator FASSETT.— We will only keep it till to-morrow, till the stenographer has time to make a copy of it.

By Mr. IVINS:

Q. That permit with all the specifications attached to it goes into the hands of your inspector? A. Yes.

Q. That is his chart in connection with that particular work? A. Yes, sir; and in addition to that, plans are on file in the office which are always accessible to the inspector.

Q. This course is pursued in regard to all buildings which are going up and all alterations which are being made and of which plans have been filed? A. Yes, sir.

Q. And the instructions are given to the inspectors with regard to patroling their districts for the purpose of discovering breaches of the law in the first instance, that is, alterations of buildings where plans have not been filed, or a breach of any of the provisions of the law other than in cases of new buildings where plans have been filed? A. The matter of alterations is managed in the same manner that the new buildings are; every building that is approved for an alteration, the inspector has a copy of the permit; if he discovers work in progress on any building as he patrols his district, he knows from memoranda and copies, which he carries with him, whether that individual alteration has been approved or not; failing to have a copy of that, he reports that they are making alterations or erecting a new building without hanging the plans approved by the bureau.

Q. Is there any district in which there is more than one inspector assigned? A. Yes, sir.

Q. What districts are they? A. The districts north of Twenty-third street and east of Sixth avenue comprising that section of the city between Twenty-third street and Sixth avenue to Thirty-fourth street and the East river; the inspector on the district there, looking after the general work, is also assisted in that section, as here are a large number of tenement-houses requiring fire escapes; there is a man especially detailed there to visit each and every building and report

whether it requires additional means of exit or any security that the law provides in the way of fire escapes.

Q. In whose district is the New Imperial Hotel? A. Mr. Cockerill's district.

Q. In whose district is the New Holland House? A. The Holland House is at Thirtieth street and Fifth avenue; that is in Mr. Cockerill's district; Mr. Dolen has succeeded him there within the past week, as Mr. Cockerill is sick and not able to attend to duties there and I have released him and placed him on fire escapes and put Mr. Dolen there.

Q. In whose district is the *World* building? A. Mr. Clague's.

Q. How long has Mr. Clague been in the department there? A. I can tell that by reference.

Q. Was he in the department prior to your coming in? A. No, sir; he was there prior to my appointment as superintendent, but not prior to my connection with the department.

[Mr. Ivins to Mr. Shields].— Have you got the memorandum there as to how long he has been in the department?

Mr. Shields.— He was appointed January 17, 1888.

Mr. Ivins.— How long has Cockerill been in the department?

Mr. Shields.— Since the sixteenth of December, the same year.

Mr. Ivins.— Eighteen hundred and eighty-eight?

Mr. Shields.— Eighteen hundred and eighty-eight.

Mr. Ivins.— How long has Dolen been in the department?

Mr. Shields.— There are two Dolens.

The Witness.— James Dolen is a new man who was appointed just a short time ago, since November.

Mr. Shields.— He was appointed within a month.

Q. Is Clague an architect? A. No, sir.

Q. Is he a builder? A. Yes, sir.

Q. What kind of a builder, a contracting builder or a mason or a carpenter by trade? A. I couldn't swear positively whether he is a mason or a carpenter; I believe that he is a carpenter and builder.

Q. Has he been a professional builder here in the city? A. His existence prior to being connected with the department I know nothing of.

Q. Is Cockerill an architect? A. No, sir.

Q. Is he a builder? A. A mason and builder.

Q. Is everybody who is a mason a builder? A. People identified with building interests in any character of business would be termed builders; the term builder may be applied to a mason, a carpenter, or an iron worker.

By Senator FASSETT:

Q. It is not confined to a contractor? A. No, sir.

By Mr. IVINS:

Q. It may be applied to anybody who does anything from building an oven to building a palace? A. Yes, sir.

Q. So it is as general a word as could be selected? A. Yes, sir.

Q. So the real thing to be looked to is the first designation, whether he is a mason or carpenter? A. Yes, sir; whether he is a practical mechanic, able to superintend and watch the construction of a building.

Q. Is Cockerill a practical mechanic? A. Yes, sir.

Q. Let me take up these different inspectors; Hornum and Little you say are architects? A. Yes, sir.

Q. What is Schweitzer — you can leave off the words "and builder?" A. Civil engineer.

Q. How long has he been in the department? A. I think he was appointed in 1887; I am not positive as to the date.

Q. That is near enough; what is Jacob Kenny? A. A mason.

Q. Bernard McGeraghty? A. Mason.

Q. Archibald Smith? A. Carpenter; he is out of the department now.

Q. Michael J. Carey? A. Mason.

Q. Edward Dowling? A. Mason.

Q. Joseph R. Goddin? A. Carpenter.

Q. John Hayes? A. Carpenter.

Q. John O'Connor? A. Mason, I believe.

By Senator FASSETT:

Q. Do you make any distinction between mason and stonecutter? A. Yes, sir.

By Mr. IVINS:

Q. They are distinct trades, are they not? A. Yes.

Q. Daniel M. Keeley? A. Mason.

Q. Do you call a bricklayer a mason? A. Yes, sir.

Q. Is a bricklayer a mason? A. Yes, sir.

Q. Are not the trades of mason and bricklayer two distinct trades? A. No, sir.

Q. Is a bricklayer also entitled to put "and builder" after his name? A. He certainly would be.

Q. So that a bricklayer is justified in describing himself as a mason and builder? A. Yes, sir.

By Senator FASSETT:

Q. By mason do you mean stonemason, or do you mean just bricklayer? A. No; I mean a general mechanic, that may lay stone or brick, or do plastering work; mason work, stone work, brick work and plastering are always included under mason work?

By Mr. IVINS:

Q. Then, under the law as it stands, a man who is only a bricklayer or only a stonemason may be put to do the inspecting on a building like that of the New York *World*, which is most complexed or composite in its structure and character? A. Yes, sir.

Q. And he would really be the inspector to inspect the work of a builder like Mr. David H. King? A. Yes, sir.

Q. Although he may only be of the same general class in his trade, of the most subordinate men who are in Mr. King's employ? A. Yes, sir.

Q. What is Daniel M. Keeley? A. A mason.

By Senator FASSETT:

Q. Do these inspectors have any power in the premises to order work stopped that is being done wrong? A. No.

Q. Or to do correct work? A. No, sir,

Q. They simply have the power to report? A. They simply have the power to report; their instructions are to call the attention of the owner where a violation exists and where there is a failure to comply with the requirements, and to notify the department, and violation papers will be served.

By Mr. IVINS:

Q. Is there any inspection other than that which is made by the inspectors themselves? A. Yes, sir.

Q. By whom? A. Mr. McKinley, second deputy superintendent, sometimes by myself; if there is a question in doubt in my mind as to any point of construction that may arise or a mooted point between any architect or builder and the inspector of that district, if I have time to go and make personal examinations I do so.

Q. Lewis K. Osborn? A. He is a mason; he is not connected with the department now.

Q. Michael Reid? A. Mason.

Q. William Winterbottom? A. I am not positive, but I think I would classify him as a mason; he has been connected with the department since long before my time.

Q. How many of those who you have called masons down to this point are really bricklayers? A. They may be all laying brick at times; probably they all worked at the business as bricklayers.

By Senator AHEARN:

Q. Could any man pass that examination for an inspectorship of buildings unless he was either a mason or a builder? A. No, sir; and thoroughly qualified to examine and pass on plans.

Q. It is a very stringent examination isn't it? A. Yes, sir; our records will show the number of people that are rejected, that apply there for appointment as inspectors, and the examinations they go through.

Q. John P. Wortz? A. Carpenter.

Q. August Birnstiel? A. I think that he claims to be partly an architect; I think he is a mason and builder.

Q. What is the other part of it? A. I say I think he claims to be partly an architect; but he is a mason and builder.

Q. Denis E. Buckley? A. Mason.

Q. Michael P. Burns? A. Mason.

Q. Thomas J. Cockerill you have described? A. Yes, sir.

Q. And Clague you have described? A. Yes, sir.

Q. John E. Dolen? A. Mason.

Q. Henry H. Donnelly? A. Mason.

Q. Denis Doris? A. Mason.

Q. Michael Dunne? A. Mason.

Q. James Duffy? A. Mason.

Q. James J. Flannelly? A. Mason.

Q. Michael L. Holmes? A. I think a carpenter; I am not positive.

Q. Cornelius H. Horgan? A. Mason.

Q. Hugh C. Keyes? A. I think a carpenter; I am not positive.

Q. John J. McArdell? A. Mason.

Q. Richard D. Newman? A. Carpenter.

Q. Daniel O'Toole? A. Mason.

Q. John E. Peek? A. Mason.

Q. John J. Reilly? A. Mason.

Q. Magnus J. Schwartz? A. Mason.

Q. William Seaton? A. I think a carpenter; he was connected with the department prior to my connection with it.

Q. George T. Sinclair? A. Mason.

Q. John M. Slattery? A. Mason.

Q. Will you have prepared for the committee a statement of the date of the appointment of each of these inspectors, and the names of the persons who recommended them for appointment? A. Yes, sir.

By Senator FASSETT:

Q. Are they appointed on recommendation or on examination, or both? A. On examination and recommendation.

Q. Do you examine any one who applies? A. Yes.

Q. Or only those who apply under recommendation? A. Any one who applies, we inform them whether there are any probable vacancies, and after the examination by our bureau they are then referred to the civil service bureau, and another examination given to the applicant by the civil service to determine the percentage.

By Mr. IVINS:

Q. Is there any public notice given of vacancies so that applications can be made on public notice? A. Dismissals, resignations, etc., are always noted in the press of any inspector of buildings, as a rule.

Q. I didn't mean so far as dismissals went; but before appointments are made are any steps taken to notify the community that there are such and such vacancies, and that the city wants new inspectors? A. There has been a case of that kind where they have advertised for men.

By Senator FASSETT:

Q. That is not the general rule? A. That is not the general rule, because the places are generally filled, and there is always a list of standing eligible candidates under the civil service rules.

Q. How are the inspectors removed? A. Removed after trial for cause.

Q. By whom is that trial conducted? A. The commissioners of the fire department; they sit as judges, and I probably may appear as the prosecutor.

Q. The trials are conducted generally in the same manner in which the trials of the uniformed force are conducted? A. Yes, sir.

Q. Have you here the examination papers of any one of these inspectors as an illustration of the system? A. No, sir; their papers are on file at the office; those papers simply show that they are declared qualified or not qualified.

Q. The papers are in the hands of the fire commissioners? A. Of the fire commissioners.

Q. I mean the papers on the examination in the hands of the civil service authorities? A. The civil service authorities receive a communication through the fire department that such a man has been examined and declared qualified, placed him on a list of elegibility for examination by the civil service; we do that in this bureau to save additional work on behalf of the civil service; it being a peculiar

business it requires an examination of a peculiar character; the examination being held at the fire department it determines whether a man is conversant with the duties which he is expected to perform, whether he is fitted with the ability to act as an inspector.

Q. That is if he can't get past the fire department in the first instance he can't come before the civil service examiners at all? A. It is optional with them whether they will lose their time or whether they consider it a loss of time or not; there is no rule established; the civil service are free to act as they please.

Q. Now will you explain the circumstances relative to the difficulties with Mr. Hammerstein as an illustration of the way in which your business is conducted? A. A general description?

Q. Yes; and then make it as specific thereafter as you want to, so as to get at the bottom of the public complaints which have been made, and complaints which have been preferred by Mr. Hammerstein to this committee? A. I would like to state first, before making any statement in connection with the Hammerstein matter, that I have a private suit pending between Mr. Hammerstein and myself for slander.

Q. Anything that you say here won't affect you in that suit? A. Mr. Bowers being my attorney, I have not seen him as to whether it would have any effect in that case or not, but I have brought the application of Mr. Hammerstein down and can explain from that, circumstances probably that will be satisfactory to the committee, and if there are any questions which you wish to ask specifically, I will answer them as well as I can.

By Senator FASSETT:

Q. We don't care to go into the merits of that controversy as much as into the course of procedure; there is a case where you have been brought sharply in conflict with the man who was building? A. This application was submitted to the department on the 26th of February, 1890, and had the record number 260; a set of plans accompained this and they were indorsed on the back "plans filed," there being a large roll of plans for a building of this character; the details of the construction are specified on this form as proposed by the architect Mr. J. B. McElfarick & Son; this application being filed came before me for examination, and finding discrepancies as noted here in pencil mark, it was denied on the 4th of March, 1890; it was disapproved; that is what we term a denial; it is simply a disapproval of the original application; it was disapproved on the fourth of March; his architect came back and amended it as to the objections discovered in that application and plans, and under that

amendment the plan was approved on March eighth and a permit issued.

Q. Four days later? A. Four days later.

Q. That was before the construction began? A. That was before the construction began; during the construction of the building the inspector on the district had a copy of this permit, a set of the plans under his control, to show that the work proceeded in the usual order.

Q. In accordance with the applications and the plans? A. Yes, sir; the work proceeded there until verging the completion of the building; this being a special building, as a theater, it was constructed under a special act, termed section 500 of the building law; that states positively that before a building can be opened for the purchase of a theater, it must have a certificate signed by the superintendent of buildings and concurred in by the fire commissioners before the mayor is allowed to issue a license of that building; therefore, it becomes necessary, on the completion of a building of this character, to make a personal examination of the building before issuing the certificate; work, as it verged on completion, various reports having come in as matters proceeded with the construction of the building, which were satisfactory, nothing developed until the latter part of September; during the latter part of September Mr. Vreeland, my deputy, being absent on vacation, the entire duties of the office devolved on me personally; I did not have time to go to that building to make personal examination during the month of September, and failing to have that time from the office, I designated Mr. Hornum, whom I consider a competent man, more so, even, than the inspector on the district, to make a personal examination and see in what way it differed from the original plans and specifications as approved, or if there were any discrepancies of any kind; he gave me a report on the twenty-ninth of September, as shown here, that various little matters of detail had not been completed; that the building was not completed at that time for a personal examination; I had him go there several times to see how far the work had proceeded; with these memorandums we sent word back to Mr. Hammerstein, or to his representatives in charge of the work, that there were many matters that had taken place during the construction that were not specified in his application or shown on his plans.

By Senator Fassett:

Q. How did it happen that your inspector did not notice those at the time and call the attention of the department to them? A. The work was in such a condition — as the

completion of a theater drawn near the time of opening there are not working at so many branches of the business that what is done today may not be discovered until to-morrow or the next day or the next day and the duty of the inspector being varied in a large territory he can not spend the entire day on that individual building.

Q. He has to look after the construction of all the other buildings in the district? A. Of all the other buildings in that district; notwithstanding Mr. Hammerstein's of the discrepancies as they existed his architects came to the department and made a third time of amendment to remove the objections that had been discovered. On the sixth of October I approved of these amendments removing the technical objections which had been discovered during the construction of the building.

Q. By Mr. Horowitz? A. Yes sir; on the day of the sixth, which was the date appointed for opening the theater —

Q. The sixth of October? A. Yes sir; on receiving a communication forwarded to me through the fire commissioners which had been sent to the mayor's office I proceeded to this building to make a personal examination; the building was not completed.

Q. Did Chief Binder go with you? A. Chief Binder accompanied me on the first visit on Monday afternoon October eighth; we went through the building and examined the building carefully and found discrepancies of various kinds in matters of the completion; I called Mr. Hammerstein's attention to the fact and also the attention of his architect and gave a young man, whom I believe to be Mr. Hammerstein's son, a copy of the various discrepancies as they existed on Monday; I told him that in that condition the building could not be opened; those were matters of detail that could not be foreseen by the inspector or any other person who was sent there; for instance on the upper gallery a steep incline and small steps and the width of aisles, and passing down there was no rail in front of the top gallery so that a boy that would run to get the first seat there would pitch headlong down into the audience; the fire escapes in the matter of exits had not been placed and if there were a rush by a crowd coming out of that place they might have to go down forty or fifty feet into the open court; If they had time those things would have been completed, but they wanted to open that night, which I objected to on the ground that an accident is as liable to occur on the first night of the opening of a theater as it would be a year hence; on the completion of the work in accordance with the requirements of the law I was willing to issue the certificate; he notified me on the following

Wednesday that he had removed these various objects, and I then went with Chief Bonner to make another examination of the building; we arrived there in the afternoon, saw Mr. Hammerstein, and passed through, and the defects which I called his attention to on Monday, the mechanics were then operating on and trying to overcome, but they didn't have time to accomplish it even between Monday and the following Wednesday, and it was in an unfinished condition again on Wednesday; I gave him an additional report again, calling his attention to the facts in connection with the matter, and he commenced to abuse me in the worst manner and style that a man could lay tongue to; he called me a thief, villain, blackmailer, and in fact everything that a man could possibly do; I made a remark to Chief Bonner, I said: "I don't care about listening to any such conversation; let us go out;" he said: "No; I am damned, if you get out; I will lock you in here and keep you here until I force you to give me a certificate;" I said: "That is beyond the power of any man and I am going out;" so I went out; then he brought in his attorney, Mr. William Hildreth Field; Mr. William Hildreth Field came in and he apologized for Mr. Hammerstein's action and asked me not to feel any ways harsh about the pet names that had been applied to me and to the chief; I said that personally I cared nothing, but as a public officer I didn't like to be assailed or attacked in a matter of that kind; he asked me would I accompany him to reinspect the building at any time that it was completed and I said there and then that I would; but I asked him as a matter of courtesy to have Mr. Hammerstein put in a cage or some place where we would not come in contact with each other; on Saturday following I went to the theater, made an examination, found that these defects which I gave a copy of to Mr. Field also had been complied with, and thereupon I issued the certificate which was necessary to get the license, and I came down to the mayor's office, as it was after hours, to certify to the mayor that the matter was finally adjusted and all complete; that is the history of the case as far as Mr. Hammerstein's matter is concerned from memory, and this is the application which, of course, you can see in connection with these various amendments as specified under the inspector's reports, these discrepancies which occurred were direct violations of the law.

By Senator Fassett:

Q. Was it because these discrepancies were mere discrepancies between the application and the work, or was it because the discrepancies as existing made it unsafe for people to enter the theater,

that you refused this permit? A. It was unsafe to have them occupy or use the theater.

Q. Did you know that he had a quarrel with a member of the police force at that time? A. Nothing only what I read in the papers; I never knew Captain Hooker; I never saw him.

Q. It was alleged against your department, wasn't it, that you had rather join forces with the captain so as to get even with Mr. Hammerstein? A. Mr. Hammerstein stated so much, and talked so much up there that it would be impossible to state what he did say; he said we were in league with the police department.

Q. As a matter of fact, did you ever have any talk with any member of the police department? A. I never spoke to them at all; never.

Mr. IVINS.—I call the attention of the committee to the fact that it is prescribed by section 300 of the Consolidation Act that no theater shall open until a certificate is given by the superintendent of buildings and the fire commissioners that the building conforms to the provisions of this section; and then follow the other provisions of the section with regard to theaters specifically.

By Mr. IVINS:

Q. And all these provisions that you were requiring enforcement of were the provisions of the letter of the statute were they? A. Yes, sir; there may be some portions as regards the protection to life and limb that the law can not specify so as to place safeguards against them; but I understand that the general law gives the superintendent of the building bureau power, where he sees such a defect exists, to put safeguards around the public.

By Senator FASSETT:

Q. When was it that this man Budensieck was convicted and sent up? A. My recollection is that it was during the spring or summer of 1886.

Q. That is two years before your connection with the building department? A. Not two years before my connection with the building department but before my having any authority except as an inspector.

Q. The building that he was putting up had received the approval of the superintendent of the bureau at that time? A. Yes, sir; I believe it had; the records will show that.

By Mr. IVINS:

Q. Was that Mr. D'Oench? A. That was during Mr. D'Oench's administration, but I think that the plans were approved by Mr.

Esterbrook; Mr. D'Oench began as superintendent shortly before that accident occurred.

Q. Have there been any accidents of that character since that time? A. No, sir.

Q. Have there been no cases of falling buildings at all? A. Yes, sir.

Q. What places, for instance? A. There was one case on the south side of Eightieth street, probably 125 feet east of Tenth avenue.

Q. What was the case? A. Private dwellings; they were at about the third or fourth story when they fell during a storm; there was no person injured.

Q. How did it happen that buildings which could be blown over — A. They were not blown over; the investigation which I caused to be made and which I made myself determined the question as to how the accident occurred; the location of the ground is very peculiar; to the east of it is a high rock which crops out above the street line; to the west of Tenth avenue is another high rock that crops out above the street line, and at the point where these buildings were erected it dips below the surface of the ground a distance probably of twenty feet or more, which forms a basin; the entire section, east and west of it, forms a water-shed to throw the water under the foundation walls and undermine them.

Q. Had it not been for that the building would have been safe? A. The building would have been safe; the material was satisfactory and care had been exercised in the construction.

Q. Was that a thing against which it was impossible to have taken precaution in your department? A. Yes, sir; in an official capacity, sitting in my office, it would be impossible to determine the nature of the soil where buildings are being erected, except from general knowledge of the locations in the city; but the inspector on the district would detect if there were what we termed bad bottom or bad foundation.

Q. Did that particular inspector detect the character of the foundation? A. The character of the foundation they build on appeared on the surface satisfactory but it was, as I explained, a continual water course below the foundation underground; that was the cause of the accident causing the earth to settle.

Q. Have they now built there again? A. Yes, sir.

Q. On new specifications? A. New applications, new owner, etc.; the property was sold.

Q. And it has been quite possible to take all the necessary precau-

tions this time? A. Yes, sir; the buildings are standing now, and I guess they are occupied at this time.

Q. And you think it was nobody's fault that those same precautions were not taken before? A. I believe that all precautions were taken of an ordinary character at the time; I could not find any dereliction of duty, even of the inspector, that would justify a dismissal from the force.

By Senator FASSETT:

Q. Is there anything in the law which makes it necessary for you gentlemen to make a local examination of the character of the foundation? A. Our inspectors have full control; if they find the bottom to be improper they will report it.

Q. Is it not part of their duty to examine the ground before the foundation is laid? A. Not before the foundation is laid; but they are to see what the nature of the soil is and what the foundation will be, whether it will be earth, stone, concrete or timber, and if a man puts in a specification here and the inspector discovers that the bottom is bad, and in his opinion it will not sustain the load which is intended to be placed upon it, he reports that to the department and thereupon we inform the builder not to proceed with that work and make a personal examination of the grounds and compel him to put in either concrete or lay a crib-work foundation.

By Mr. IVINS:

Q. Do you remember a case of a building falling on Pleasant avenue, in the upper end of the city, within the past few years; some Catholic institution? A. Yes, sir.

Q. What was that? A. It was a school building; I believe the principal's name was Kerner; he was in charge of the institution; I believe he lost his life by the accident.

Q. What was the cause of that accident? A. That was prior to my time. I made no investigation.

Q. Has there been any other case than the one you have just mentioned? A. Not during my administration.

Q. Have you any suggestions to make with regard to any changes in the law affecting either the organization of your bureau or the powers of your bureau? A. I have never thought of it in that light and I am not prepared to offer any suggestions.

Q. Have you found yourself hampered at any time in your work by the limitations of the law? A. As the building law is at present there are discrepancies and inconsistencies in it, a year ago I devoted all my spare moments in connection with a committee appointed from

the various boards of trade identified with the building interests to revising the building law and overcoming the various discrepancies which exist in the present law; we prepared rather a voluminous document and submitted it to the Legislature last April, and it being late when it was prepared the bill did not go through; I think that was the first place where I had the pleasure of being introduced to Senator Fassett when I was in charge of that bill; that bill was to regulate and overcome these inconsistencies.

Q. Can you prepare for us, to accompany a copy of that bill, a summary of the features in which it amends the existing law, and a short statement of the reasons for the change in each particular case? A. That would be an enormous amount of labor, but still I think I could possibly find time to do it; it would entail endless work at night.

Q. If that is an enormous amount of labor with regard to one very small corner of the Consolidation Act, just think of the labor that is on this committee with regard to the whole thing? A. The people preparing this are lawyers and the people preparing the others are laymen.

Q. You help prepare the other; I ask you now simply as the man who administers the law to point out the differences between the law as you propose it and the existing law, with the reason which you find, as a practical man, for making the change in each particular case? A. I think I can give you that in a printed form, because the bill was printed in Albany and all that matter is in italics, all the amended portion; I think I have got a copy of that at my house, that was printed in Albany.

By Senator Fassett:

Q. You can take that bill with the italics and sit down with a stenographer and in about an hour dictate the reasons for the changes, can't you? A. It happens that I am not the fortunate possessor of a stenographer in my bureau.

By Mr. Ivins:

Q. The committee will lend you a stenographer? A. I will assist the committee in making any suggestions of that kind.

Q. If you will notify me when you want a stenographer to make a statement of the reasons for those changes which are proposed, I will send one to you? A. Very well; I will state that the same committee are at work now revising that bill, with the intention of submitting it to the Legislature early in the session.

Q. What is the chairman of that committee? A. I am chairman of the committee of the board of examiners.

Q. What is doing the active work in the preparation of this bill? A. Every member is an active member.

Q. What is the work? A. There is no work.

Q. Is there no work of that sort? A. No; they don't act under it.

By Senator Fassett:

Q. What is the work? A. The committee is composed of men representing the two sides of trade in the business. Mr. William H. [illegible] represents the trade unions; all matters relative to their work are referred to him and argued by him in their behalf. Mr. Warren represents the matters regarding the construction of buildings which affect them. Mr. Jones who represents the Mechanics and Traders' Exchange is a carpenter. Mr. LeBrun is the representative of the American Institute of Architects. Mr. Norman is the representative of the board of underwriters from a fire standpoint, and I, in my superintendent of buildings capacity in connection with that as the chairman of the board of examiners to assist in the revision. So that each one has a special part and we all work together amicably without having any general head.

By Mr. Ivins:

Q. What is the man that is looking after it and keeping the papers together and putting the bill in shape? A. I have that done through the efforts of Mr. Shields, our chief clerk, who has kindly volunteered his services and spent many hours at that work last spring.

By Senator Fassett:

Q. What is there who can tell us just exactly what has been done, and what is being and what is to be done? A. I can have that prepared for you.

Mr. Ivins.—If you will have that prepared also that will be of service because the Legislature, the Senate at least, will naturally look to this committee for some light on this proposed bill when it gets there as being the committee on cities, and it is probably more than likely that the bill will be referred to this committee, and anything that you do now will be of assistance to the committee and to the city.

The Witness.—I am certainly willing to assist in any matter of that character.

Senator Fassett.—It will open the way to more speedy action upon your bill certainly.

The WITNESS.—The committee as it stands at the present time, is in hopes that the bill will be prepared so as to be forwarded to Albany early in January; but before the bill is forwarded to Albany I will communicate with the Senate committee and give them the reasons for the changes that have been suggested.

By Senator FASSETT:

Q. Does your department have upon it the obligation to look after all existing buildings? A. Yes, sir.

Q. And to notify owners of any bulging in the walls or any weakness of structure? A. Yes, sir.

Q. I see by the evening paper that a brewery fell down during the rain and storm yesterday; would the fact that a building could blow over here in town be taken as a reflection upon the thoroughness with which your work is done? A. I don't think that it could, hardly; it might be a building that had been standing fifty years; it might be closed in by other buildings so that it would be impossible for a man without special complaint and a special examination to discover it.

Q. Is your force adequate to a thorough inspection, so that you feel it would be proper on the part of the people to hold you strictly responsible for any such accident? A. I would hardly know how to answer that question; I feel at times that we should have more assistance and more help in order to do the work more thoroughly; but since my administration of the department, whether it is a matter of good luck or good judgment, no accidents have occurred whereby any person lost his life or was injured or anything of that kind and I have thought that we keep pace with the times or pretty near it.

Q. This building was the Schaefer Brewing Company's building which blew over yesterday and blocked up the street and the railway, for about 100 feet; no one was killed? A. I have not seen or heard any report of it; I came directly here this morning; I don't know of anything of that kind.

Q. Then do you think that it is good luck more than good management that you have not had anybody killed? A. No; I say I don't know whether to attribute it with the force that we have under our control to good luck or not; for instance, a building fell at Fiftieth and Fifty-first street and Park avenue; that building probably was constructed long before there was any building bureau contemplated for the city, and it was probably a light structure.

Q. In the absence of specific complaints made by interested parties or neighbors who might be directly imperiled, in the absence of any complaints made do you have any systematic inspection and oversight of old buildings? A. Yes, sir; I have at the

present time, we can only deal with that in a small way by reason of the limited force; I have a systematic manner of discovering what I consider the most important feature at the present time, the means of exit in case of fire. I have each inspector start on a district commencing at the corner of a block

Q. That is in reference to the fire escapes? A. Yes, sir; that is a regulatory portion of the law as to the means of exit; that is one of the things we have to guard against in our bureau and our system is that the inspector shall begin at the corner at the intersection of two streets and commence on from house to house until he completes that block; on the completion of that block he gives me a report that he has inspected the block bounded by such and such streets, and reports upon the cases in that block as to fire escapes: those exempt by law are marked and our report covering that block is filed; so with regard to the entire city almost covered in the matter of fire escapes.

Q. You have applied that same kind of system to the question of sanitary nuisances? A. I have not the regular force to go [illegible]

Q. [illegible] A. No, sir.

Q. [illegible]

Q. [illegible] which would be obtained by [illegible] attained by getting a force of abler [illegible] A. There is a good deal to be said on that.

Q. [illegible] your constitution of your [illegible] through generally — you [illegible] A. I think as a whole [illegible] able men, and a better class [illegible] and energies for the return that [illegible]

Q. [illegible] A. Yes, sir. I believe that [illegible] things should certainly be paid at [illegible]

Q. [illegible] steadily employed at [illegible] A. More, that is [illegible]

Q. [illegible]

Q. [illegible] men to go through [illegible] through it with [illegible] weaknesses of [illegible]

Q. [illegible] our present force in

ordering changes to be made? A. Yes, sir; I do so at all times; but there is one thing to be said as regards structural weaknesses of buildings; it is a difficult matter to solve and a difficult matter to compete with; the character of buildings that were erected years ago, with light walls, light beams, great distances between the sections are very different from those now erected; and then there is the change of location to be considered; sections that were formerly devoted to dwelling purposes are now changed into business quarters.

Q. Change of use, you mean? A. Yes, sir; it strains the walls; it strains the entire structure, and we have no guide to protect ourselves against it unless we discover it by some complaint, or by the inspection of the inspector; some times a building will be located on the side of an old building, and that it will undermine the walls of the old structure adjoining, and that will render the building partially unsafe; even if we started a system of systematic reports on unsafe buildings, and if we completed it within twelve months time, we would have to commence that same system over again for the following twelve months, and we would find, probably, as many unsafe buildings, because of the changes of the buildings.

Q. The changes of use you mean? A. Yes, sir; and also the changes in the location and the character of buildings being built adjoining, as we go through the lower section of the city; take that Union Trust Company building, for instance, which you have been speaking about, and take the old building on the corner of Wall street there, which is of a light construction, and which was built a number of years ago, the concentrated load of a building like the Union Trust Company building has an effect on the earth's surface which drags the old building down.

Q. It has a tendency to depress the surface of the earth at that point? A. Yes, sir; it causes a settlement in the old building, which makes it unsafe; the floor may become out of level as much as two or three inches; the floors coming out of level, it has a tendency to draw on the beams that are anchored into the brick work, and causes defects that are almost impossible to detect; all those matters are incident to an investigation as to the character of unsafe buildings.

By Mr. Ivins:

Q. You think that the requirements of the service call for a higher rate of wages, at any rate? A. Yes, sir.

Q. Beginning with yourself, do you think you are sufficiently compensated — it is perfectly proper for you to answer that question — it seems to me that this is about the first underpaid public service that we have found?

Mr. FINDLEY.—There is no doubt that Mr. Brady is underpaid.

Q. You should not hesitate to answer the question? A. I might seem that I was attempting to make capital out of the investigation, by making any assertion of that kind, and, as a matter of delicacy, I would like to be excused from answering.

Q. Don't you think that the salary of a superintendent of buildings, at the head of that bureau, be he whosoever he may, if he performs his duties thoroughly and well, should be more than the present salary? A. I do.

By Senator FASSETT:

Q. You said that the buildings now going up in the city involved an expenditure of about $70,000,000? A. Seventy-five million dollars will be the amount of money expended for new building operations during the present year, and probably $14,000,000 will be the cost of alterations, making a total business through that bureau in the neighborhood of $89,000,000 or $90,000,000.

Q. Is $4,000 a year, in your judgment, sufficient to induce any successful architect to become the servant of the city and take that position? A. I believe that there are architects who would fill the bill, who because of the prominence that the position would give them in the trade, would take it irrespective of any salary; I wouldn't hold the position that I hold to day for the salary, because I could make more money in outside building operations than I can as superintendent of buildings but for the reason that it gives me the official standing as to my ability in connection with the building interests.

Q. And that has to be considered as part of the compensation? A. That I take as part of the compensation; my future is more to me than the matter of salary at the present time.

By Senator FASSETT:

Q. Before you go I wish you would remember to furnish to Mr. Ivins at your convenience a draft of the legislation you propose, and the reason for it, together with those other matters you have been spoken to about? A. I will try to prepare that and forward it to Mr. Ivins as soon as I can get it ready.

CARL JUSSEN, secretary of the New York fire department was then sworn and testified as follows:

By Mr. FINDLEY:

Q. You are the secretary of the New York fire department? A. I am

Q. And have been such for a number of years? A. Yes, sir.

Q. A gentleman representing the Mineralized Rubber Company testified that he submitted to the department a tender for the purchase of hose; look at the paper that I show you and state whether that is the paper that was received from the Mineralized Rubber Company [handing witness paper]? A. That is the paper received from the Mineralized Rubber Company.

Q. What does that paper propose, or of what does it make a tender? A. That paper makes a tender for delivering 5,000 feet of fire hose under date of the 11th of March, 1889.

Q. In response to what advertisement does that propose? A. In response to an advertisement for proposals for furnishing 10,000 feet of Maltese Cross brand hose to be opened on the 27th of February, 1889.

Q. And the proposition was received when? A. This proposition was received on March twelfth.

Q. At that time had the contract for which the proposal was made been actually let? A. I can tell that by looking at the contract.

Q. The proposals had been opened, had they not? A. The proposals had been opened on the twenty-seventh of February; the contract was executed on March eighteenth; I can't tell from data here when the award was made; it was some day prior to that.

Q. But that proposition was received more than two weeks after, or about two weeks after the date? A. Yes, about two weeks after the opening.

Q. Has there ever been received from the Mineralized Rubber Company a tender to supply goods for any contract that was actually advertised and that had not been awarded? A. No sir; no formal tender.

Q. I ask you whether the paper that I show you was received by the department from the Mineralized Rubber Company [handing witness paper];—on what date was it received? A. It was received on the twenty-eighth of February.

Q. Now, I will ask you to read the letter and then to read the indorsement upon the back of it? A. [Witness reading.] "New York, February 27, 1889; To the Commissioners of the Fire Department of the city of New York; Gentlemen.—Referring to a communication on the subject of fire hose that we had the honor to address to you on the twenty-sixth instant, and to the remarks that were made thereon by our representative that attended at your board meeting this morning, we now make the following offer: We will lodge with you early next week two full sections of fire hose that will stand the test of your published specification. We will deposit the required certified check. We will find the security called for and

will tender to supply a hose in
Cross carbolized fire hose called fo
not exceeding sixty pounds per
cents per foot net, excepting any
the full quantity advertised for, 20
gentlemen, yours very respectfull
alized Rubber Company, Dodge, pr

"In board fire commissioners, Ne
to the chief of the department for
recommendations." "Office, chief
8, 1889. Respectfully returned. I
make of hose referred to herein is
the proposition to test at the
lengths as to its qualities for fire
satisfactory or sufficient test, I woul
sented be afforded the same test
cumstances to other dealers, to
lengths, at their own expense, and
company, and if at the expiration
hose has stood the wear and tear
condition compares favorably with
it then be purchased, and if found
the owners. Charles O. Shay, chief

"In board fire commissioners, Ne
mendation approved and filed."

Q. Has it been the practice of th
test as is suggested there of perso
the first time to the department? A

Q. No different test was required
of other dealers, was there? A. No

Q. Did you have a conversation
the Mineralized Rubber Company
hose? A. I had a conversation
know his name at the time.

Q. State briefly the substance of
me on the morning of the opening
proposal to furnish hose to the depa
ment published in the *City Record;*
that the advertisement called for a
him if they could furnish th
that they could not; I then
fact that although he was at

restrain him from putting in any proposition that he desired to make it would be a perfectly useless thing to do since he could not furnish the article advertised for; that was the substance of the conversation had with him.

Q. Could the department under that advertisement have accepted anything else than what was advertised for? A. It could not.

Q. The paper that you produce and which is marked "Contract, March 18, 1889, with the Gutta Percha and Rubber Manufacturing Company," is that the regular contract that is used by the department in the purchase of all hose? A. It is.

Q. It is a regular form of contract? A. Yes.

Q. Approved by the counsel to the corporation? A. Yes, sir.

Mr. FINDLEY.—I ask leave to read one clause of that contract.

Mr. IVINS.—Certainly.

Mr. FINDLEY.—It is as follows: "And the said party of the second part hereby covenants and agrees and warrants with and to the said parties of the first part, should any part, parcel or length of hose or couplings which shall be delivered in pursuance of this agreement fail to well and sufficiently bear and stand for and during the full term of three years from the time the same shall be put in use, a pressure test of 300 pounds to the square inch and the wear and tear of use thereof by the said fire department, its officers, agents and servants, it being agreed that said wear and tear shall be understood to include all damages to the said hose or couplings caused as hereinbefore specified, then, and in every such case, the said parties of the second part will either replace the said hose or couplings, length for length with hose and piece for piece with couplings, of the kind and quality herein contracted for, or repair the same at the option and upon the demand in writing of and without expense to the said parties of the first part."

By Mr. FINDLEY:

Q. Is that condition contained in every contract that the department makes? A. It is.

Q. Have there been returned to be replaced quantities of hose pursuant to this agreement? A. Returned to the contractors?

Q. Returned to the contractors? A. Upon that point I am not advised.

By Mr. IVINS:

Q. Will you describe the general machinery of the department with regard to making contracts, the execution of the contracts and

the way in which the department satisfies itself of the honest and complete fulfillment of the contracts on the part of the contractors; just begin from the point where, having discovered that you need certain supplies, you start to get them and tell what the whole process is down to the time that the bill has been paid? A. The board gets a demand from the subordinate having charge of that branch of the department, in writing, for the article or articles, and if the board deems the demand a reasonable and proper one, it directs that arrangements be made to receive proposals therefor; the first step being the preparation of the contract and its submission to the counsel to the corporation for his approval as to form; when that approval has been obtained, the preparation of the advertisement, which is also in the form prescribed by the counsel to the corporation, and long used, then follows; ten days then are given for the insertion of the advertisement in the *City Record*, and at the time specified for the opening of the proposals —

Q. Are these advertisements in the *City Record* summarized and printed also in the form of a short advertisement in the daily papers? A. They are sometimes in the papers designated by the mayor and other officers of the corporation.

Q. You have power to do that wherever you think it is going to subserve the public good? A. Yes, sir; on our request it is done sometimes, and sometimes it is done without our request; first, I should say that the advertisement calls for the submission simultaneously with the proposal of the security deposit specified to accompany each proposal, which must be either in currency or in the form of a certified check, payable to the order of the comptroller; a check on any bank in the city of New York; the proposals so received and to be opened, are put in a locked proposal box, and before the opening the affidavit of the supervisor of the *City Record* as to the publication of the advertisement, for the time required by law is submitted, and also the forms of contract as approved by the counsel to the corporation; then the proposals are opened; it is determined whether they are in form or not, and the lowest one in regular form is, unless there should appear to be reasons why that course should not be pursued, sent to the comptroller for the purpose of having the adequacy and sufficiency of the sureties offered passed upon by him; when that has been done by the comptroller, if no objection is found to the sureties offered, and the proposal is returned with his approval of the sureties, the award is usually made by the board, the contract executed and the contractor proceeds to fill the requirements of it.

Q. Who checks off the deliveries as to quality and quantity? A.

That depends upon what the article is; if it is apparatus or hose, that is done by the officer in charge of the repair shops.

Q. Does any one check off that officer in turn? A. The chief is always informed as to the receipt of goods.

Q. Would it be possible for that officer to receive short quantity? A. Hardly of such articles; there is a very close account kept of hose and apparatus in the department in its property record system, and also by another method; the chief requires periodical reports.

Q. How is it in the matter of forage; might not short deliveries be made of forage? A. The contract requires the contractor to weigh the article of forage delivered at each engine-house, for which purpose balance scales are funished at that engine-house.

Q. Who takes the weights? A. The weight is taken in the presence of the officer commanding the company for the time being.

Q. And is he held responsible for those weights? A. Yes, sir.

Q. He makes his official record? A. He makes his official record on the company's journal, and he signs at the same time duplicate receipts for the articles by weight.

Q. Does he do the same thing as to coal? A. For coal, by weight, the same process.

Q. Has the department ever had any complaints from any of its subordinates or ever made any complaints to contractors of short deliveries? A. I don't know any of short deliveries; I recollect some in the case of forage, a considerable number of years ago, as to the quality of forage, where the contractors were required to replace the article that was not thought to come up to the standard.

Q. How was it with the quality of coal? A. In the matter of coal I do not recollect any complaints; we have a regular weigher there who accompanies the platform scales that are carted from one point to another by the contractor as he makes his deliveries, a regular weigh-master who certifies to the deliveries.

Q. One of your own department clerks? A. Not a clerk.

Q. He is in your pay, I mean? A. He is in our pay; yes, sir.

Q. You pay him for weighing? A. We pay him for that service.

Q. Is he one of the regular certificated weigh-masters of the city? A. No, sir; he is not.

Q. Will you ask Mr. Seery and Mr. Smith to come here to-morrow morning? A. The superintendent of telegraph?

Q. Yes; to come here to-morrow morning? A. At the usual hour?

Q. Yes; at the usual hour, and after the examination of Mr. Smith, Mr. Seery and Mr. Mitchell, I think that will, for the present, conclude the investigation of the fire department; we will not call Mr. Mitchell

this afternoon because we will not make enough progress? A. Mr. Mitchell is sick; but he will be ready to be down here to-morrow.

The committee then adjourned till Friday, December 19, 1890, at 11 o'clock, A. M.

FRIDAY MORNING, *December* 19, 1890.

Present — Senators Fassett, Stewart and Ahearn.

HENRY D. PURROY, being recalled, testified as follows:

By Mr. IVINS:

The WITNESS.—Shall I go on?

Q. I understand that you took the stand again at your own request; if there is anything you want to say, you had better say it? A. On Wednesday, after I had been on the stand the last time, I was informed that I was not needed any longer, and as I thought all the matters had been covered, I absented myself on Thursday; during my absence a gentleman went on the stand who has testified to a number of facts which have since been completely refuted already, but some of which reflect on me personally, and some of the proofs in refutation which do not depend upon my contradiction of his testimony, but upon the laws and ordinances and record proof, are so complete a refutation as not to leave a shred of his testimony to stand, so that I deem it my duty to appear here before the committee to-day; it has been said that a poser was put to me, and I am ready to answer that poser or any other that the committee sees fit to put.

Q. That was a newspaper head-note imbecility, was it not? A. Yes, sir — well, I wouldn't say imbecility.

Q. Well, it was a poser put to you? A. I never criticise the press; the press, like the king, can do no wrong, so far as I am concerned; that was the good old rule; now, I haven't had an opportunity to examine this testimony carefully, but I take the account which is the fullest, in the *Evening Post*, the paper which is supposed naturally not to favor me, and I find that the statements of Mr. Dodge, as published there, are absolutely and necessarily untrue; Mr. Dodge says that he made a tender complying in all respects with the conditions of the laws and the requirements of the department; that is not so; the laws require that all bids opened by the New York fire department shall be opened in a certain way; they prescribe what the way shall be; I need not cite it, Mr. Ivins is familiar with it, and they refer to the ordinances; now, those ordinances prescribe that in their department there shall be a box kept, and that up to the hour named in the advertisement there may be deposited by anybody in that box a tender,

which must be opened when the board meets, and it prescribes that the comptroller of the city of New York shall be present; now, that box is kept in the fire department; that box was open to Mr. Dodge or anybody else who chose to make a bid; the comptroller was present there; it is unnecessary to say that he was not in collusion with me; the box was opened, and the only bids that were in the box were taken out, and Mr. Dodge's bid or tender was not in the box; and for me to have considered Mr. Dodge's bid or tender after the bids and tenders had been opened in conformity with the law and ordinances, would have been to violate my duty and render myself liable to removal; now, in regard to Mr. Dodge's statement, positively made again under oath, that he has never been informed as to the conditions on which his hose could be introduced into the department, I desire to say it does not depend upon my contradiction; I have here the verbatim minutes of the board taken at the time that the transaction took place, which I desire to produce before the committee.

Q. Well, produce them now? A. Yes; and I wish to say in regard to that that I took special precautions in this regard because Mr. Dodge is a fair sample of the men who go around through the department seeking to intimidate and mislead public officials, and I thought that great safety had to be taken, a great precaution rather, had to be taken in order that my record in no way be sullied by contract with him; I have the minutes here; Mr. Jussen, please produce them.

[Mr. Jussen here produced a paper purporting to be the minutes referred to.]

The WITNESS.—These are the minutes of the board of fire commissioners held when this appearance of Mr. Wadsworth before the board is alleged to have taken place as he testifies: "Present—President Henry D. Purroy and Commissioner Fitz-John Porter." Commissioner Fitz-John Porter is the gentleman to whom he refers so kindly. He says he met him in the board five years ago. Fitz-John Porter was not in the board of fire commissioners five years ago. Fitz-John Porter did not come into the board of fire commissioners until three years after the time he specifies, and if he had been in the board up to now he would be there a little over two years.

[The witness here read the paper referred to, which is as follows: "Headquarters fire department, city of New York, Tuesday March 16 1889. The board of commissioners met this day. Present—President Henry D. Purroy and Commissioner Fitz-John Porter. Opening of proposals. For furnishing 10,000 feet of hose. Affidavit of publication of advertisement in *City Record* was read and filed. Form of

contract approved by the counsel to the corporation, submitted. Gutta Percha and Rubber Manufacturing Company (security deposit, certified check for $250), $10,000. Referred to the comptroller for his action on the sureties.

On motion, a recess was taken until 11 o'clock A. M.

Reconvened at 11 o'clock A. M.

Present — President Henry D. Purroy and Commissioner Fitz-John Porter.

A sealed communication said to contain a bid for furnishing hose under the advertisement for proposals to furnish 20,000 feet of hose, dated February 13, 1889, to be opened on February 27, 1889 (which proposals were opened on that date), was received, accompanied by a certified check, payable to the comptroller, from the Mineralized Rubber Company.

The communication was opened and read, and the president thereupon directed the secretary to read the report of the chief of the department upon the communication previously received from the Mineralized Rubber Company with relation to the proposals referred to.

The president then made the following statement, the representative of the Mineralized Rubber Company being present:

"This department purchases what it believes to be the best article for its use.

The chief of department, who has had the best experience in these matters has made his recommendation in regard to the kind of hose he needs. Whenever there is a new article introduced into the market, before we can pronounce it as the best article for our use, we have necessarily to require a thorough test.

Although this matter was before the chief of department, and acted upon some months ago, it was again referred to him, and his report is that the article is unknown to him, but that if it is placed in service in such a way as to enable him to make a report as to its fitness, and finds that it comes up to the mark in every way, and to be the article he requires, then he will recommend it to the board.

The only thing the board desires is to get the best article, and it can not pronounce on an article until it has had a fair chance to test it by service in the department.

The communication will be received and placed on file, and the check will be returned to those who sent it here.

We would say further, of course, this alleged bid is in itself informal, and that in addition to its being informal the alleged bid comes in nearly two weeks after the time fixed for the opening of bids, and it

is therefore only as a matter of courtesy that we now discuss the matter at all.

If there is anything in this department as to its hose, its engines, its apparatus, etc., that should be exposed, you will do me as president of the department, a favor to show it up.

If there is anything wrong in the management of the department anything that deserves criticism, I should like to be made acquainted with it; if it exists, it exists without my knowledge, and I will only be too glad to have it brought to my knowledge, and to correct it."

The WITNESS.— Those remarks were made in reply to the remarks which Mr. Dodge used when addressing the board; Mr. Dodge has constantly, in his efforts to introduce his inferior article, as far as our present knowledge goes, thrown out these intimations, not only that, but in letters to the mayor, and in letters to architects and others in the city of New York, he has threatened this committee upon the fire department; and I saw fit to say to Mr. Dodge then, and have seen fit to say to all his representatives who have called upon me, that while they would have the utmost fair treatment, that I had no reason to fear him, nor to fear this committee, nor do I fear him nor do I fear the committee; now, there are a number of other things, but those are the chief matters testified to by Mr. Dodge; Mr. Ivins may have some questions to ask.

Mr. IVINS.— No.

The WITNESS.— There is no need of putting in these insolent letters; I have got one since the election, informing me that a partial defeat, which we suffered, is due entirely to Mr. Wadsworth and Mr. Dodge, and a number of other very —

Mr. IVINS.— Well, they are not material to this record?

The WITNESS.— No; I should not think so; I may remember something else; I have here all the papers, the chief's report in regard to this kind of hose, and everything covering the subject, and I can only say that Mr. Dodge's statement can be proved by these records, not by my word; I would not humble myself by putting my word against his, but by these records they can be shown to be without a particle of foundation in truth.

AMADEE SPADONE, being recalled, testified as follows:

By Mr. IVINS:

Q. Mr. Spadone, you took a list of cities yesterday, to which it was said by Mr. Dodge you sold the Maltese Cross brand of hose? A. Yes, sir.

Q. And you were to see whether the prices were such as the officers of those cities said, and whether or not the prices were for the identical class of goods which were being supplied to New York city? A. Yes, sir.

Q. Now, if you will tell what you have found by conference with your several houses on this subject? A. Yes, sir; I looked over our ledgers very carefully, and find that we have never sold to Helena, Montana, any of our hose; Eau Claire, Wisconsin, February 19, 1887, we sold 500 feet of our regular Maltese Cross hose at one dollar per foot; Litchfield, Illinois, September 11, 1883, we sold 500 feet of Novelty brand, not Maltese Cross hose, at ninety cents per foot; that is a second grade of hose that we make, which we call a Novelty brand; Worcester, Massachusetts, in the month of June and July, 1883, we sold 500 feet of Novelty hose, same brand, at ninety cents a foot; Terre Haute, Indiana, July 30, 1888, we sold a thousand feet of our regular Maltese Cross brand at one dollar per foot; Burlington, Kansas, March 12, 1887, we sold 700 feet at one dollar per foot; Marinette, Wisconsin, October 25, 1887, we sold 1,000 feet of hose at one dollar per foot; Waddington, New York, to which you called my special attention, we sold on May 29, 1882, 400 feet of Novelty hose at ninety cents per foot, that is the second brand; Charleston, Illinois, we have never sold; Menominee, Wisconsin, we sold March 22, 1887, 500 feet of the Maltese Cross brand at one dollar per foot; Barron, Wisconsin, November 6, 1887, we sold 500 feet of three-ply Maltese Cross hose at eighty cents a foot; we did not sell Ballou; we supposed Barron was the place; Charleston, South Carolina; I looked back for ten years, and we have not sold any hose to that city for ten years; Jackson, Ohio, I could not find that we had ever sold any hose to that place; Menominee, Michigan, June 29, 1888, we sold 500 feet of our Maltese Cross hose at one dollar per foot; Indianapolis, Indiana, we sold altogether 9,000 feet of hose, 3,000 in 1881, 3,000 in 1882 and 3,000 in 1883, at one dollar per foot.

Mr. IVINS.—That is all Mr. Spadone, unless there is something further you wish to say.

The WITNESS.—I have brought up with me the original contract made with the New York fire department, in which those special specifications that I referred to yesterday are mentioned.

Q. Very well, just read those? A. I will read them if you wish them read.

Mr. PURROY.—Mr. Ivins, might I call attention to the fact that in the testimony of Mr. Dodge he says in one place that this guarantee amounts to nothing except as an advantage to the contractors.

Mr. IVINS.—We have proved by this witness that it amounts to a great deal.

Mr. PURROY.— Mr. Dodge gives it to you as a reason for wanting to make thirty-five per cent profit on his hose.

Mr. IVINS.—Well, that is entirely immaterial, because we have proved by this witness that Mr. Dodge is wrong.

Mr. PURROY.—Yes, but I desire to call special attention to that fact so that it may be brought out.

Mr. IVINS.— It was brought out yesterday by a series of questions which were put to this witness. He testified yesterday that he had, in conformity with that guarantee, replaced large quantities of that hose, and that it was a serious matter, to the advantage of the department and to the disadvantage of the manufacturer.

Mr. PURROY.— But the point I call attention to is the plain contradiction in Dodge's testimony, first swearing it amounted to nothing and then swearing he wanted to make thirty-five per cent profit on his hose.

Mr. IVINS.—Well, I don't think it necessary to state that. That is *arguendo.*

Mr. PURROY.— There is a good deal here that is *arguendo.*

Mr. IVINS.— Most all of yours is.

Senator FASSETT.—We do not care to take any time in summing up Mr. Dodge's testimony. If you have anything you desire to testify to you may take the stand at any time when this committee is in session.

Mr. PURROY.— I am ready.

Senator FASSETT.—You are at liberty to take the stand at any time.

Mr. IVINS.— Mr. Purroy was advised, as I understand it by the committee and by myself, when he went on the stand, that in the opinion of both committee and counsel the charges of Mr. Dodge had not been sustained. If he went on the stand it was entirely at his own wish.

Mr. PURROY.— That was a private matter. I would like to have those things made public.

Senator FASSETT.— Well, you have succeeded pretty well, Mr. Purroy. The testimony was public, and everything that was testified to was public.

Q. Will you tell us which those specifications are which are peculiar? A. Yes, sir; each and every length of the hose with the couplings attached is to be capable of resisting a pressure test of 300 pounds to the square inch, without twisting or turning more than three-quarters of a revolution, or elongating more than thirty inches, or increasing in exterior diameter more than one-eighth of an inch at

any point, and is to weigh not more than fifty pounds including couplings, all of the hose to be delivered at the repair shops of the fire department, Nos. 130 and 132 West Third street, in the city of New York; those are the peculiar specifications.

By Senator FASSETT:

Q. Mr. Spadone, all there is of it is this, is it not, you make this hose for the city of New York and do not make it for any other city? A. That is true.

Q. You sell it to the city of New York at a price agreed upon between you and the department? A. Yes, sir.

Q. You do not sell it to any other city anywhere at any price? A. I do not at any price; I make it for no other city but New York city.

Q. Well, that is all there is of it? A. Am I through?

Senator FASSETT.—So far as I am concerned unless Mr. Purroy wants to clear up something else that is in his mind.

Mr. IVINS.—It may be of some interest for me to say to the committee that I have personally known Mr. Spadone for a good many years, and I have known his standing in the business for a good many years, and I do not believe there is any person in the entire business who stands better, whose reputation for integrity or straightforwardness is greater than Mr. Spadone's.

THOMAS G. BRADY, being recalled, testified as follows:

By Senator FASSETT:

Q. Mr. Brady, how many inspectors have you in your force? A. Forty-two at the present time.

Q. How are they appointed, did you say, are they first examined by you and then by the civil service? A. They are first examined by the board of examiners of which I am chairman of the board; the board of examiners consists of six representatives from the various boards engaged in building operations; I, by virtue of office am chairman of that board; the applicants for the position of inspectors are examined by the board of examiners, and if qualified, so reported to the fire commissioners; if found unqualified, an adverse report is forwarded to the fire commissioners, and there the matter ceases with the fire department until it is referred to the civil service commissioners.

Q. That is the successful applicants are listed and their names are kept on file with the fire commissioners? A. Yes, sir.

Q. And do these applicants present themselves to the city civil service bureau for examination? A. Yes, sir; and then the city civil service makes a further examination and forwards back to the fire

commissioners a rating according to the percentage that each of the candidates passes.

Q. How are these inspectors removed? A. Removed by the fire commissioners on charges.

Q. May they be removed without charges? A. I know of no individual case in the office that they have been removed without charges, although I don't know anything in the law that prevents them from being removed in that way.

Q. How many removals have taken place since you have been superintendent? A. Six, since I have been superintendent.

Q. What was the cause of the removals? A. Charges of various kinds and characters.

Q. Charges of incompetency? A. Not for incompetency, neglect of duty.

Q. Or for attempted bribery or blackmail? A. There has been two or three cases of that character.

Q. That is, where inspectors demanded pay of contractors or builders? A. The complaint was that they made such demand, charges of that character have reached me and have been investigated and on investigation where they were found to be true or sufficient evidence was found to warrant it, they have been, invariably been, recommended to the commissioners for dismissal and the commissioners have always sustained the recommendation and removed the inspectors.

Q. Wherever any charge has been brought to your attention of attempted extortion or blackmail by an inspector, you have proceeded to investigate it, have you? A. Yes, sir.

Q. And wherever you have satisfied yourself that the charge was well founded, you have recommended the guilty person for removal? A. Yes, sir.

Q. And the department has removed him? A. Have removed them.

Q. So that if any builder or contractor in this city has been suffering from attempted extortion or blackmail it is his own fault? A. It is entirely.

Q. He has a remedy, has he? A. He has a remedy, and I am always ready to receive charges as preferred and investigate them to the fullest extent; where I find that there is cause for the charge being preferred, prefer charges to the commissioners and recommend the man's dismissal.

Q. I suppose these inspectors would make it very unpleasant for a builder if they wanted to? A. No, sir; I don't think that they could, if the builder, or owner, or architect wishes to protect his own interest; the inspector is more at his mercy than the builder is at the

inspector's mercy; it is only cowardice on the part of the public that prevents them from asserting their rights.

Q. By that you mean they are afraid that if they make complaint they will get the department down on them? A. They have a feeling or tendency of that character; some people have expressed it so; invariably they are wrong.

Senator FASSETT.— That is all I wish to ask of Mr. Brady.

JOHN ELLIOT SMITH, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Smith, what is your business? A. Superintendent of telegraph of the fire department.

Q. How long have you held that position? A. About ten years.

Q. Will you tell us now generally what the duties and the method of performing the duties of your bureau are? A. The duties of the superintendent of course are the general supervision of the telegraphic system of the fire department for the whole city, the construction of lines, the maintenance, the repairs; I suppose that covers it, Mr. Ivins.

Q. There is a copy of the pay-roll of your bureau showing an expenditure of $26,940 per annum for the service of the subordinates and your own? A. Yes, sir; I think that is right.

Q. That is correct? A. I think so.

Q. Mr. Farrell's duty, George Farrell, chief clerk, are entirely clerical, are they? A. No, sir; not clerical wholly; he acts as assistant to the superintendent and in his absence performs his duties.

Q. How do the prices paid to operators, of whom there are four, compare with the prices paid to operators generally; let us say in the service of the Western Union Telegraph Company? A. I think they are lower, some; I think our prices are lower.

Q. Edward S. Sims, operator, has a salary of $1500 per annum? A. Yes, sir.

Q. Does an operator performing the same class of services which he performs but in the employ of the Western Union Telegraph Company, so far as you know, get as large a salary as that? A. I think he gets fully that, sir.

Q. What is, so far as you know, the average salary paid to telegraph operators through the city of New York by the telegraph companies? A. Well, Mr. Ivins, our operators rank rather higher than the ordinary operators in the general service; they rank more with the chief operators in the general service; their duties are more than those of the chief operator.

Q. Do they take all classes of messages? A. Yes, sir.

Q. Is not your service very largely a service in which there are signals of a fixed kind and in which indicators of certain classes are used? A. No, sir; a small portion of the service is of that class.

Q. Is your service almost entirely a key service? A. The majority of it is a key service from the working through the men who are testing the line.

Q. Does the operator who conducts your business through that key service have to do as difficult a task as a night operator doing newspaper work, for instance? A. I think so; yes, sir; I think so.

Q. Has he not more time in which to have messages repeated; has he not a very much smaller scope for his operation? A. It is not all the manipulation of the key, receiving and sending messages; it is testing the wires, testing the circuits; that is all under his supervision; the handling of the men who are out repairing the circuits.

Q. Do the operators and assistant operators actually test the wire? A. Yes, sir.

Q. Then they are more than mere telegraphic operators? A. Yes, sir.

Q. At the key-board? A. Yes, sir; they are intended to be more expert.

Q. Have you any statistics showing the cost for the supplies required annually in your service? A. No, sir; I have not; they are all in the bookkeeper's department.

Q. Will you have a statement made showing what it has cost during the past twelve months for the supplies in your department? A. Yes, sir.

Q. Have you any statistics showing what the present plant of your department for electrical purposes has cost the city, whether by purchase of material, payment of royalties or privileges or anything of that kind? A. I have not, sir; no, sir.

Q. Can you prepare a statement showing what the actual cost to the city of New York of its present fire electrical plant has been? A. I will do so.

Q. Well, that is all if you will prepare that? A. Yes, sir.

Q. Let me ask you this question, by whom are the operators and assistant operators appointed? A. By the board of commissioners.

Q. On whose suggestion? A. On the recommendation of the superintendent of the telegraph, generally speaking.

Q. Do you select the persons whom you want to have enter that service? A. Yes, sir.

Q. And as a rule your selections are confirmed? A. Yes, sir.

Q. That is then not a department in which political patronage is in any way used, is it? A. No, sir.

Q. Do you know of any man in this particular service who has been appointed from political motives? A. I don't recall any such, sir; I have no knowledge of any.

Q. You think they have all been selected because of competency in the first instance? A. Yes, sir.

Q. All questions of politics apart? A. Yes, sir.

Mr. PURROY.— Might I ask a question, Mr. Ivins.

Mr. IVINS.—You may proceed.

By Mr. PURROY:

Q. Mr. Smith, how long have you been on the telegraphic service? A. In the city?

Q. Yes; the fire department telegraphic service? A. About eighteen years.

Q. Before I got there? A. Oh, yes.

Q. Your chief deputy, how long has he been there? A. About the same length of time.

Q. About the same length of time; do you know of any operator having been removed unless on your recommendation? A. No, sir.

Q. Are you consulted in all matters relating to the telegraph, and have you practically got the confidence of and do you advise with the board in all matters? A. Yes, sir.

Q. Or have you in any way been hampered by the board in the management of that bureau? A. No, sir; I do not consider that I have.

Q. And you are a Republican, Mr. Smith, I need not ask you? A. Yes, sir.

PETER SEERY, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. You are an officer of the fire department, are you, Mr. Seery? A. Yes, sir.

Q. Inspector of combustibles? A. Yes, sir.

Q. How long have you held that office? A. Thirteen years.

Q. By whom were you appointed originally? A. I think Mr. King was president, one of the commissioners.

Q. Will you describe to the committee the general duties of your bureau and the manner in which they are performed? A. I am charged with the enforcement of law so far as it relates to combustibles, combustible material, the storage, manufacture, transportation and so forth of combustibles.

Q. What classes of combustibles under the law are subject to your inspection? A. All gunpowder, fireworks, gun cotton, nitro-glycerine and all that class of things.

Q. Kerosene? A. Yes, sir.

Q. All explosives? A. All explosives.

Q. All oils? A. All oils.

Q. Do you know of anything which is combustible in its nature which ought to be classified by the law with combustibles, so that you should have control and power of it, which is not so classified? A. I don't know of any.

Q. You think that as the law stands it is ample to give you complete power to prevent disaster through the unauthorized use of combustible material? A. I think so; the commissioners has the power to make regulations from time to time.

Q. You have four surveyors? A. Yes, sir.

Q. Describe the duty of a surveyor? A. A surveyor's duty is to examine into all complaints in reference to the storage of combustibles and when application is made for special permits, etc.

Q. But you only act on complaint and on application for permits? A. Yes, sir; we act all the time; it shall be considered their duty to examine carefully as they go through the city, everywheres.

Q. Are they regularly appointed to make inspections for the purpose of discovering the whereabouts of combustible material? A. They are; that is their duty.

Q. Are particular precincts allotted to each of these several parties? A. No; not specially; they report every day and they are assigned to duty; they have whatever comes in.

Q. Well, when are they assigned, and how are they assigned to the duties of inspection; on their own motion, that is, when there has been no complaint preferred and when there has been no application made? A. They are always supposed to be on duty; if they find any violation of law, for instance, a fire hydrant obstructed, or any accumulation of rubbage, they are supposed to report that and investigate it, and they are given a notice, notify the owner to move or amend or alter, as the case may be.

Q. Suppose I, owning this property opposite, was actually carrying on my main floor three or four hundred pounds of dynamite, or having there exposed in a way that might be dangerous to the neighboring property a certain amount of kerosene, suppose no neighbors made complaint, however, how would your department detect that breach of the law on my part? A. We are generally notified by the uniformed force; the captain in whose district that violation might exist.

Q. Then, so far as the matter of the general detection of a breach of the laws is concerned, you have to depend on the uniformed force, do you? A. No, sir; not altogether; they aid us very materially.

Q. It is apparent on the face of it that no four surveyors could do that work in the first instance, is it not? A. Well, of course, it is a great deal of work to expect of them; you don't expect that they will travel the whole city.

Q. Then, if the captain or his subordinates in this particular fire district or precinct does not discover that breach of the law on my part it would go undiscovered until complaint was made by the neighbors, would it? A. It might.

Q. Then these surveyors are not appointed to any systematic duty of detecting breaches of the law, but only to assist where complaint has been made, where license has been applied for or where a breach of the law has been incidentally discovered, is that the fact? A. Of course, they are expected as I said in the first instance, if they discover any violation themselves, to report it.

Q. Well, is there any duty imposed upon them to go and attempt to discover violations? A. There is; yes, sir.

Q. How is that done? A. It is done by me; I give them orders to that effect.

Q. Have you ever given orders to anyone to take a particular district, one block, two blocks or half a dozen blocks? A. Yes, sir.

Q. And go from building to building, in and out of each building for the purpose of discovering whether there was any breach of the law? A. Not through every building; the chief of the department generally instructs his men to make an inspection of every building in his district and report any violation, if any, to the commissioners or to him and it is transmitted to me.

Q. How much of the time of these surveyors is actually taken by them in the performance of their work in the department? A. Their whole time.

Q. What time are they to report in the morning? A. Well, for instance, they come in any time in the day; they may have a case that will take them in the morning, for instance, they may have a case uptown, and I do not require them to come to the office at 9 o'clock; I want them first to go and investigate it, to investigate that case, on their way down to the office; they may live in the upper end of the city; if they live in the lower end they are expected to be there at 9 o'clock; whatever there is then to go out on their district and report next day.

Q. Do they report again at night? A. No; except they are sent on some special case that I want them for.

Q. Then they are not required to report at the office more than once a day? A. That is all.

Q. When they get their assignments? A. Yes, sir.

Q. Do they make out written reports? A. If necessary; yes, sir.

Q. They sign the applications, approved or disapproved, as the case may be? A. Yes, sir.

Q. Now, do you not think, that the work that is actually done by these people could be done by half the number? A. No, sir; I don't think we have enough now.

Q. Will you tell me what the oil collectors do? A. The oil collectors collect samples of oil for the purpose of having it tested, and having its quality determined.

Q. Do you know how many oil licenses there are in the city? A. Yes, sir; for this year there is about forty-one hundred, so far.

Q. How often do you make collections? A. Every day generally.

Q. From each one of the forty-one hundred? A. Oh, no; not from each one.

Q. Well, I mean, suppose I have a license to sell oil; how often do you make collections of samples of my oil; I being once licensed? A. Every time the inspector goes along that route.

Q. What are the instructions in regard to going a long particular routes? A. The instructions is to examine every place where there is any oil sold, or where it is supposed to be sold, and procure a sample.

Q. How frequently? A. Every day; a man starts at the Battery to-day, and he goes all the way up to Harlem bridge before he gets through; another man on the west side, so it is on the upper end.

Q. Suppose I was selling oil here in this street under a license from your department, how often would my oil be inspected? A. That would depend on how often the collector would go around and get a sample.

Q. That is what I want to get at, how often would he go around to get a sample; I don't know; you ought to? A. Well, he would probably visit that particular place once in every three months.

Q. It is quite sufficient, is it not, if each seller of oil has his oil sampled once in three months, if he is a man who has been found not to have broken the law, and has abided by the terms of his license; that is a sufficient inspection, is it not? A. I would consider it so; yes, sir.

Q. Now, do you suppose each of these venders of oil in this city really have their oil sampled every quarter? A. I don't know that they all do; I could not tell that.

Q. Is it not the fact, Mr. Seery, that the majority of them do not? A. No; it is not a fact.

Q. Is it not a fact that there are some venders of oil in the city here who do not have their oil sampled once in six months? A. It might be.

Q. Is it not a fact that there are some who do not have their oil sampled once in a year? A. No; I don't think that is so, take it all over the city.

Q. How do you check off these oil collectors to discover whether they have taken samples once in a year, or once in three months, or once in six months? A. We will give the collector a slip every day when he is going out with the number of the licensed dealer, the number only, not the name simply, the street number; he has got a bottle that holds about four ounces, with a label on; he is expected to go into that place, get a sample of oil, take the name of the owner or occupant whom he finds therein, and report to me or the chief clerk when he comes back with the sample.

Q. Then he gets his assignment direct from your office? A. Yes, sir.

Q. Is he ever assigned to more than one place at a time? A. Oh, certainly, yes; he has got a route with may be twenty different numbers.

Q. Would he go out with twenty different assignments when he leaves the office? A. He will.

Q. From each of those twenty different places he brings back a sample? A. From each of those twenty different places he brings back a sample.

Q. And he may bring back three or four samples from each place, may he not? A. No; not from each place; he only brings back one sample from each one.

Q. One sample from each one? A. One sample from each one, unless he is selling two kinds of oil.

Q. I was assuming that he might be selling more than one kind of oil; then you would want one sample of each kind of oil? A. If that is the case, we generally get two samples.

Q. If you make his assignments for him in this form, you then have the means in your office not only to tell exactly where he has been, but as a matter of fact you allot out his work for him? A. Yes, sir.

Q. As a matter of fact, then, you predetermine whose oil shall be sampled? A. No; I give him simply the numbers of the streets where I think and know that oil is being sold; we have a license register that gives the number of every licensed dealer in New York, and he is instructed, also, to make diligent search to find if there is somebody on his route that is selling oil without a license also.

Q. Do you personally, or does anybody, go over that license register for the purpose of seeing that once in every three months, or once in every six months, each number licensed has been visited? A. Why, certainly; we go over it almost every day.

Q. Go over the whole thing almost every day? A. Every day when they bring in their samples; it is recorded in another register.

Q. Would it be a fair average to say that the entire forty-one hundred dealers are visited once a quarter? A. I think it would; yes.

Q. Then that would be thousand and odd visits for each of these oil collectors in every three months? A. In the annexed district, if you know, it is a very scattered district; it takes a man a long time to cover all that district from Harlem bridge to Woodlawn cemetery.

Q. What proportion of the forty-one hundred oil dealers are in the annexed district, do you suppose? A. Well, a small proportion.

Q. Then that compensates somewhat, does it not, for the difference in territorial stretch? A. Yes, sir.

Q. Now, do you not think that the actual volume of work which is performed by these oil collectors could be performed by a smaller number? A. No, sir; I don't think so.

Q. How long has Mr. Moore been a surveyor? A. Mr. Moore has been a surveyor, I guess, about a year.

Q. Do you know what his business was before he was a surveyor? A. He was a clerk.

Q. A clerk; where? A. In the same bureau.

Q. How long has Mr. Schofield been a surveyor? A. Schofield, six or seven years; I don't recollect the date of his appointment.

Q. How long has Mr. Soteldo been a surveyor? A. About a year.

Q. What was his business before he was appointed a surveyor? A. He was an oil collector.

Q. What was his business before he was an oil collector? A. That was the first business he had in the bureau.

Q. Do you know what his business was before he came into the bureau? A. No, sir; I had no knowledge of him before then; did not know him.

Q. How long has Mr. Johnson been a surveyor? A. Mr. Johnson has been a surveyor about a year.

Q. What was his business before he was a surveyor? A. He was a mechanic, as I understand it, in the repair yard of the fire department.

Q. How long has Mr. Stewart been an oil collector? A. I think about four years.

Q. How long has Mr. Hughes been there? A. Mr. Hughes has been there seven or eight years.

annexed district are few? A. I say they are few compared with the city proper.

Q. Now, suppose those few are scattered, one at Harlem Bridge, one at Riverdale, and one at West Farms, does it make it any better for the men in getting around through the district, which is as large as the rest of Manhattan Island? A. He has got to travel all over the district.

Q. And has no means of conveyance? A. No, sir.

Q. There is only a horse car running up one direct line and a steam car? A. That is all.

Q. You spoke of the uniformed force, is it not a fact that under the general rules of the fire department, all members of the fire department are instructed as far as they can in connection with their other duties to co-operate in the detection of anything in the way of the violation of the laws over which we have the supervision? A. Yes, sir.

Q. And in that way you often hear from other bureaus in the department? A. Yes, sir.

Q. Is it true that within the last year the duties of the bureau of combustibles has been increased considerably? A. Yes, sir.

Q. Through the recommendation of the mayor in regard to blasting? A. Yes, sir.

Q. We never had charge of that before, I believe? A. We did but the regulation was not so stringent as it is now.

Q. The rules that we have adopted are all new rules, are they not? A. Yes, sir.

Q. And very voluminous? A. Yes, sir.

Q. And your surveyors are out watching these contractors and endeavoring as far as their time will permit, to see that they will comply with those rules? A. Yes, sir.

Q. Do you know whether you have recommended to the fire commissioners, and the fire commissioners have applied for increased help? A. Yes, sir.

Q. You consider that increased help is necessary? A. I do under the existing state of affairs.

Q. We are not able to do all the work now as we would like to do it, and that is one of the reasons that we can not get around oftener than once in three months? A. Yes, sir.

Q. And the board of apportionment have not as yet allowed it? A. They have not allowed it.

Mr. Purroy.—I would like to have counsel examine those regulations.

Mr. Ivins.—I will be glad to have them.

JOHN MOCHER, being called as a witness and duly sworn, testified as follows:

By Mr. [illegible]:

Q. Mr. Mocher, are you the fire marshal? A. I am, sir.

Q. Head of the bureau of the fire marshal in the fire department? A. Yes, sir.

Q. How long have you held that place? Very nearly two years.

Q. Who is your first assistant? A. Jack Frank.

Q. Will you tell the committee what the duties of the fire marshal are? A. The duties of the fire marshal are, sir, to investigate every fire that a call occurs in the city of New York to discover the origin, cause of the fire, if it is possible to do so; to discover as to whether it is a fire by accidental origin, or arises from carelessness, or is due to incendiarism; if the latter is found to be the case, then it is my duty to get such evidence as I can and to submit that to the district attorney for his action; also my duty to arrest in cases where I am convinced that incendiarism has been committed, to have an examination before a police magistrate.

Q. Your duty to arrest is accompanied with a specific right to arrest, given you by the law? A. Yes, sir; I think so — to order an arrest, direct an arrest; I personally do not —

Q. How do you direct an arrest? A. I go to a police officer.

Q. And you have a police officer? A. Police Officer Lenz, sir.

Q. And then the arrest is really made by the police officer, on your complaint? A. Yes, sir.

Q. How do you conduct the investigation that you speak of? A. Conduct the investigation frequently on the premises; sometimes in my office; sometimes it is an inquiry made verbally; sometimes it is made under oath.

Q. Have you the power of subpœnaing witnesses? A. I have, sir.

Q. And conduct the investigation judicially? A. I believe so; yes, sir.

Q. Who presides at those investigations; you, yourself? A. Sir?

Q. When these investigations are made under oath, by the calling of witnesses, do you generally preside? A. I generally take the testimony, either in the form of an affidavit or testimony taken under oath.

Q. Are you assisted in these matters by the counsel for the department? A. No, sir; unless I should happen to call upon them; he has, on one occasion, kindly sent an assistant.

Q. Sent one of his assistants? A. Sent an assistant.

Q. What occasion was that? A. That was the occasion of a fire on Broadway — 656 Broadway.

Q. Charges against whom? A. There were no charges; merely that certain allegations had been made in connection with that fire, and I thought it well to look into it to a certain extent, which I did.

Q. Was that what was known as the Eddinger matter? A. That was what was known as the Shrier fire; Mr. Eddinger was an adjuster of that loss, I believe; yes, sir.

Q. That is the case that led ultimately to considerable newspaper discussion about your office? A. It is, sir; yes, sir.

Q. What are the duties of Mr. Frank, the assistant fire marshal? A. Mr. Frank's duties are to assist me generally, and do what he can to discover incendiarism and to discover the origin, cause of fire, his duties are generally my duties.

Q. Will you tell me what the facts were in the so-called Shrier or Eddinger matter? A. Well, sir; the facts are these, a fire occurred in those premises on the morning of March third — thirteenth; it was the thirteenth; at about eleven minntes past 12 o'clock the alarm was received, and as I live out of town, my assistant has directions to visit all these large fires, particularly in cases in which notices are sent by the officer in charge of the working force; this fire occurred on Sunday morning; I do not come to the city until Monday morning; and Monday morning Mr. Frank told me that he had been at those premises on Sunday morning; that it was a large clothing-house; that a fire had occurred on their lower floor; that there was no apparent cause for the fire; there was nothing at all to show how it originated; and the consequence was that I went down that same morning and inspected the premises myself; saw the gentlemen — the fire who had closed up on Saturday evening; inquired from him the condition of the place when it was closed; who was with him, when it was closed and the circumstances generally attending the fire; they had left at 4 o'clock; the fire occurred at eleven minutes after 12; there was a large insurance on the place, but they had apparently a very heavy stock of clothing, the value of which, of course, I, not being an expert, was not competent to judge of; there was nothing, however, in connection with that fire, the appearances that indicated that it was of incendiary origin; and, after looking into the matter as far as I thought I was called upon, I discontinued further investigation; subsequently it was intimated to me that certain information had been given to some companies by a Mr. Eddinger, who was supposed to be running a bureau of information in this city; that this information had been given to the companies as early as December, that a fire would occur

in those premises in the month of March; they asked me to do something in the matter; I said, "gentlemen, if you want me to do anything in this matter, write me a letter specifying the facts that you wish investigated; name the companies who received the notice and any other facts bearing upon this fire which would go to show it to be of an incendiary character; and I will look into it;" they did write such a letter, naming three companies; I summoned the officers of those—

Q. What three companies were they? A. The Royal, of England; the Phœnix Insurance Company, of London, and the Liberty, of New York; I summoned the officers of those companies and held an investigation; the officers of the companies were very reluctant to answer any question bearing upon their connection with the bureau of information; however, the result of the investigation, as I carried it out, was to show that the Royal—that those three companies had not received any intimation that a fire would occur in Shrier Brothers & Company's premises; they hadn't canceled any policy because of any such information; one of the gentlemen, Mr. Henshaw, of the Royal, did admit, negatively, that he had received some sort of information regarding those premises, 656 Broadway, but it did not apply to Shrier Brothers & Company, the allegations contained in Mr. Loewy's letter; Mr. Loewy was the lawyer who wrote this letter on behalf of the insurance companies—in my opinion, not being sustained or proved to be true, there being no evidence of incendiarism in the case, I dropped it.

Q. Did you have any power to conduct an investigation into the character of the business of Mr. Eddinger, except as incident to the fact that incendiarism might have existed, and that Mr. Eddinger might have been a conspirator to the end of producing it? A. I think I would have had; I think if any facts had come out in that investigation which would have justified me in submitting the matter to the commissioners for submission to the grand jury, I think that would have been the course that I would have probably taken, if I had thought I would have been justified in doing so.

Q. But I mean you; you have no power, have you, to call witnesses and conduct an investigation as to the general course of Mr. Eddinger's business, except on a charge that he has been in some way connected with incendiarism? A. I doubt, sir, if I have the power to go as far as that.

Q. Was Mr. Loewy given an opportunity to call the witnesses that he desired to call—Mr. Loewy, the lawyer? A. Mr. Loewy; I think he was, sir.

Q. Did Mr. Loewy ever make any complaint to the effect that he had not been given an ample opportunity to produce witnesses? A. No, sir; he never made any such complaint to me.

Q. Did he ever submit any specific statement of testimony which would be given by these witnesses, and ask that they be called to substantiate that testimony? A. No, sir; he talked to me about the matter, and said that probably some of Mr. Eddinger's employes would know something of his business; there was one employe whom I did call, and whom I interrogated, and that employe knew nothing of Mr. Eddinger's business.

Q. The newspapers have referred to this investigation and stated that it was not thorough; was it as thorough as the parties who sought it required to have it made? A. Well, it was as thorough as I thought the facts of the case called upon me to make it.

Q. Did they ever complain to you that it was not sufficiently thorough? A. They have never — no, sir; I haven't seen any of them since.

Q. Mr. Loewy ever complain to you that it was not sufficiently? A. I think not, sir.

Q. Did he ever make a demand for a fuller or more thorough investigation? A. No, sir.

Q. What are Mr. Frank's relations, if any, to Mr. Eddinger; do you know? A. I do not know that he had any relations to Mr. Eddinger.

Q. Was the subject of Mr. Frank's relations to Mr. Eddinger a part of this investigation? A. No, sir; there was no charge made that Mr. Frank had any relations with Mr. Eddinger.

Q. No charge made about Mr. Frank in that connection? A. No, sir.

Q. Have any complaints ever been made to you about Mr. Frank? A. Yes, sir; complaints have been made to me about Mr. Frank.

Q. Just tell us what they were? A. I have had it insinuated to me frequently that Mr. Frank was a man who was not above being approached in a case in which suspicious circumstances might exist, and also that Mr. Frank was in the habit of favoring certain adjusters in getting claims settled, etc.; one specific charge was made and only one; I have told all these gentlemen when they have spoken to me in that way, I said, "Gentlemen, if you have any charge to make and any evidence to sustain it, your proper course is to lay the matter before the fire commissioners and it will be thoroughly investigated;" it is to my interest as well as to yours to have the administration of my office an honest one; not one of them has ever volunteered to come forward and substantiate anything; they have gone to the newspapers; they

have stood on the street corners and button-holed people; they have come to this committee and given information, but they have never gone to the person before whom these facts ought to be laid if they existed.

Q. Do you know whether or not any attempt has ever been made to have the commissioners remove Mr. Frank? A. Not by me, sir.

Q. Do you know whether any charges has ever been made by any persons either publicly or privately, to the commissioners about Mr. Frank? A. I never have heard that any have been made.

Q. Did you ever hear of any specific charge to the effect that Mr. Frank had received money from adjusters or others? A. Any specific charge?

Q. Yes. A. One man told me — no; not that Mr. Frank had; no.

Q. Did you ever have any specific charge made that anybody in your department had received money from adjusters? A. One man — a Mr. Landgraff, told me that a Mr. Lenz, who is connected with my office —

Q. Mr. Who? A. Lenz; Charles Lenz — had in his office received fifty dollars from two men who were connected with some fire that occurred while I was absent on vacation in 1888; I told him, I said, "If you have any evidence to that effect, if this is a fact, bring me into communication with these men and I will lay the matter before the commissioners;" he said he would do so; from that day to this — that was as long ago as I think, June last — I have never heard from him.

Q. Who is Charles Lenz? A. He is a police officer who is detailed as an assistant in my office to investigate fires.

Q. How long has he been a police officer? A. I do not know, sir; he was in office before I came.

Q. There is one officer detailed, is there, by the superintendent of police to make the arrests that you speak of, in cases where it is found necessary, where incendiarism is either known or suspected? A. Yes, sir; he has made a number of arrests.

Q. And this is the particular officer? A. And this is the particular officer.

Q. Was ever any complaint made to you by Mr. Landgraff of such a formal character as to make it necessary for you to investigate it? A. No, sir; Mr. Landgraff told me that this man Lenz had come to him personally, while I had a case in court — a case of two men who had been arrested for incendiarism; they had been tried once, the jury had disagreed, a second trial was pending — said that this man had come to him and said that if a certain sum of money was paid that

the thing could be quashed; now, the sum of money mentioned was so preposterous, so out of proportion to the interests of the whole that I did not believe it; in addition to that, I had had Mr. Landgraff on the stand as a witness in this case, and I had come to the conclusion that Mr. Landgraff was a man who was not to be believed on oath; therefore, I paid no attention whatever to the charge.

Q. When you say you had had him as a witness in the case, you mean in the so-called Eddinger case? A. No, sir; in the case of a man named Sandowitch and Caplan, who were on trial for arson, and for whom he had acted as adjuster, and in whose behalf he had submitted a complaint for thirty-one hundred dollars, which was afterwards compromised to $750; and he swore on the stand afterwards that this claim of specified items had been submitted merely as a basis of adjustment.

Q. How many cases of incendiarism have been detected by your bureau during the last year? A. We have, of cases on incendiarism; those that we could properly class as incendiary fires — there have been only twenty-six, so far.

Q. Have you made an estimate as to what proportion of the fire losses have been due to incendarism? A. Not this year, because we have not got the data yet to make it.

Q. What was it during the last year for which you had the data? A. I can give you that, sir; I have a memorandum; during the last year the loss from incendiarism was fifty-eight one-thousandths of one, of the total loss.

Q. That is, for the year 1889, fifty-eight one-thousandths of one per cent? A. Yes, sir; fifty-eight one-thousandths of one per cent; that is, the total loss from incendiarism was $2,397 out of a total loss of about 4,100,000.

Q. Is it possible that any one in your department could, by the receipt of money offered by interested parties, suppress or prevent the discovery of the fact of incendiarism? A. It is possible; dishonest people could do that.

Q. Could any one in your bureau do that other than yourself and Mr. Frank? A. Yes; in case that other person was — visited the premises prior to myself and Mr. Frank, and if he were in collusion with perhaps the owner of the property, perhaps the patrolman in charge; it would require the collusion of two or three others to enable him to do any thing of that sort.

Q. If there were such collusion, it would be very difficult of detection, would it not? A. It would be very difficult of detection; yes, sir; evidence might be suppressed.

Q. So that, once a conspiracy had been agreed upon, it would go undetected, in all probability? A. Very likely; yes.

Q. And that is a case in which you need the support, in the first instance, of unquestioned good character on the part of the officers? A. Of course, it is always desirable to have honest men about you if you expect to accomplish good work.

Q. Is it your opinion that Mr. Frank is of unquestionably good character? A. I know nothing, sir, personally to the contrary; as I tell you, people have insinuated to the contrary; but during my experience I can not say that Mr. Frank has ever concealed anything or misrepresented anything, and I have. I think investigated personally almost every suspicious fire that has occurred in the city of New York during my two years incumbency of the office.

By Mr. PURDY:

Q. Mr. Mitchell, Mr. Jacob Frank, who is assistant fire marshal, came to us from the civil service? A. I have heard so, sir; he was in office before I got in; I understand he is from the civil service.

Q. You do not know whether he passed the civil service or not? A. Personally, I do not.

Q. You don't know whether it is a civil service office or not? A. I believe it is a civil service office.

Q. If it is a civil service office, he must have gone through the civil service, must he not? A. Presumably so.

Q. You know positively that no charges have ever been presented by you to the board of fire commissioners against Mr. Frank? A. I do.

Q. Mr. Lenz has been alluded to? A. Yes, sir.

Q. And certain accusations which were made against him; is Mr. Lenz an employe of the fire department? A. He is not.

Q. Have we any control over him other than assignment to duty? A. No, sir.

Q. The fact is he is an employe of the police department, is that not true? A. Yes, sir.

Q. Not removable by us? A. Not removable by us, as a police officer.

Q. Have you ever had any occasion to forward to the president or other member of the board of fire commissioners, any facts which would justify them, or which would put them on their guard as to Mr. Lenz's honesty? A. No, sir.

Q. And necessitate a report to the police commissioners? A. No sir.

Q. Now, you say it is possible that you could sell yourself? A. Certainly.

Q. And it is possible that every man under you could sell himself? A. Certainly.

Q. Now, do you know of any case that would give rise to any well-founded suspicion even, that any one of your men ever did sell himself? A. No, sir; if I had I would have reported it.

Q. It would have been your duty? A. It would have been my duty yes, sir.

Q. Or else you would have been removed? A. Yes, sir.

By Senator FASSETT:

Q. You say that allegations have been made by parties to you privately, against Mr. Frank? A. Insinuations have been made.

Q. Insinuations? A. Yes, sir; that is, that Mr. Frank was not altogether straight; I have told those gentlemen that if they knew anything, let me know; come and be prepared to substantiate it and I will prefer charges against him.

Q. How often have such insinuations been made to you? A. Well, they have been made, I suppose by half a dozen people.

Q. At about the same time? A. Oh, from time to time.

Q. With reference to the same fire? A. No, sir; not with reference to any particular fire.

Q. Are those people, so far as you know, injured parties, did your informants claim to have been injured by Mr. Frank? A. They did not claim to have been injured by him, no sir; but there is a great deal of jealousy existing in the adjusting business, and I have no doubt in my own mind that many on these insinuations were prompted by jealousy.

Q. Have you ever taken any steps to investigate more fully, or did you just say to these gentlemen "here, if you have anything definite, produce it? A. I had nothing whatever to investigate upon, sir; didn't make any allegation, didn't mention any person, place, or time.

Q. Did you give Mr. Frank an opportunity of explaining? A. I have sir; and he positively denies that any such — and I have warned him that if I could discover that anything of the sort existed, he should be discharged if I had the power to do anything about it.

Q. These accusations then take the form of vague intimations rather than specific accusations. A. Yes, sir; I have mentioned the only two specific accusations that were made; I have received a number of anonymous letters which I invariably tore up; paid no attention to it.

Q. You would not act upon information contained in an anonymous letter? A. If an anonymous letter mentioned a person, date, time, etc., I would probably make some investigation, but unless I had very

strong evidence that the charges were true, I would not act upon it; I do not think I would be justified in damaging the character of anyone upon the information of an anonymous communication.

Q. That is the kind of information [illegible] was in the business of the [illegible] the fire insurance companies [illegible] fires would occur in certain property. A. That is [illegible] — and I make [illegible] — I believe that it is a sort of [illegible] that perhaps is [illegible] too heavy a [illegible] perhaps [illegible] the conclusion — it may have [illegible] nothing him, and [illegible] that is the sort of basis [illegible]

Q. [illegible] A. I think this is the only man that [illegible] — that I ever heard of that [illegible] such a [illegible] of the companies employ him and some of them do not.

Q. Those that did were [illegible] what their relations were? A. Those that did [illegible] that it was not a matter [illegible] that it was not a matter that I was competent to inquire into and I sought some advice on that point and I learned I would hardly be [illegible] perhaps, in —

Q. Did you get any information in the course of the investigation that you [illegible] undertake as to the number of fulfillments of his prophecy? A. I think [illegible] to have been published in one of the papers and said to have been taken from a book of his; I don't know whether it was or not; I went over that list and I found fires had occurred in those streets in the dates that he gave, in the streets which were named, he did not name the number of the house on the street, so that he may have meant some other house; I found out in a number of those cases fires had occurred in area-ways, ash-barrels, some of them had occurred in public hallways, some of them had occurred in premises which were not insured, and some of them were insured, there was nothing whatever in it.

Q. Something like the prophecies of the weather bureau, sometimes they hit it and sometimes they don't. A. Yes; I understand that he did prophecy one fire to a company that was not using the information, and as far as has been ascertained, from that date to this a fire has never occurred in the place.

Q. Of course, in a city where you have so many fires, it would be very difficult, would it not, to prophecy a fire would occur in a given

street and not have that prophecy fulfilled, if you make your area wide enough? A. Yes, sir; I think I could go into that business myself.

Q. These prophecies then did not look to the location, by date and locality, with precision, that is, they did not give the property by number—street number? A. The prophecies, as I understand it, mentioned the street numbers, but those business houses are generally occupied by a number of tenants and the particular party to whom the warning may have applied was never mentioned; now, as I say in this particular case of Shrier Brothers & Company, there was some sort of intimation accompanying it in regard to that number on Broadway but not to Shrier Brothers.

By Senator AHEARN:

Q. All charges that have been made to you in your office in regard to anything appertaining to your duties there, you have thoroughly investigated? A. Whenever a fire has been called to my attention and needed further investigation than I had already made, I have always made it.

THOMAS J. BRADY, recalled, and further examined, testified as follows:

By Mr. IVINS:

Q. Mr. Brady, while we have been sitting here a communication has been handed to me with reference to the block between Sixty-sixth street and Sixty-seventh street; Tenth and Eleventh avenues, built by John Rock, put up two or three years ago, so alleged, this winter; the writer complains of the block as one which is improperly constructed, and the buildings on which, in his judgment, ought to be condemned, says, "the buildings have straight fire-escapes and several persons have been killed in them; there was no record of this block in the building department up to one month ago;" what are the facts relative to that matter? A. Plans have been submitted and approved by the superintendent of buildings for this building, referred to the inspector and reported by the inspector in charge of that district as having been completed in accordance with the plans and specifications as approved; I believe the animus of that communication, which I have no personal knowledge of except indirectly, is based on a suit, civil suit for damages for the death of some person through accident connected with one of those buildings.

Q. How long have those buildings been up? A. Those buildings were built about two years.

Q. Is it true there was no record in your department until a month ago? A. No, sir; records are on file in the department and plans are approved.

Q. Then that is a misstatement? A. Misstatement; I can give you the architect's name, I think; Thom & Wilson are the architects for those buildings.

Q. Do you know of any reason why those buildings should be condemned? A. No, sir.

Q. Have you ever made any personal investigation of those buildings? A. Not of those buildings.

Q. Has any complaint ever been made to you of those buildings? A. During construction there may have been violations reported to the office.

Q. But since the completion? A. None except as an investigation, as I say, in connection with that accident; some inquiries have been made to the department.

Q. Why should anyone make reference to straight fire-escapes; what is the law with regard to fire-escapes and to whether they shall be straight or otherwise? A. The law as regards fire-escapes is such fire-escapes as may be directed by the superintendent of buildings; what he terms by a "straight fire-escape" I can not understand; no such term applied to a fire-escape.

By Mr. PURROY:

Q. Mr. Brady, you never recommend any particular kind of fire-escape, do you? A. No, sir.

Q. Were you not instructed by the commissioners, and is it not your invariable rule, to never favor any particular kind of fire-escapes so long as the fire-escape is an efficient one for its purpose? A. Yes, sir.

Senator FASSETT.— Mr. Ivins, is that all the evidence you desire to offer concerning the fire department?

Mr. IVINS.— That is all the evidence I expect to offer except when certain statements which we have asked for are ready, I shall call someone to prove the correctness of them and then put them in as exhibits for the purpose of completing the evidence which we have already taken.

HANS S. BEATTIE, being called as a witness and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Beattie, what is your present business? A. Commissioner of street cleaning.

Q. How long have you held that office? A. Since April, seventh of this year.

Q. By whom were you appointed? A. The present mayor.

Q. Who was your predecessor? A. The present engineer of sewers, I think, public works department, Mr. Loomis; Horace L. Loomis.

Q. Was he acting commissioner of public works at the time you were appointed? A. Yes, sir; that is my impression.

Q. Was there a period between the time of the appointment of Mr. Loomis and your own appointment, when Mr. Hagen was acting commissioner? A. Well, as to that I am in doubt; I recollect that Mr. Loomis was represented by the *Press* to be absent from office for some, I think, ten days or three weeks; I only know of that through the information of the *Press*.

Q. Who was the predecessor of Mr. Loomis? A. James S. Coleman.

Q. Mr. Coleman had held the office for some eight years, had he not? A. Since its organization under the present statute.

Q. Which was in the spring of 1881? A. Yes, sir.

Q. Who is your present deputy commissioner? A. William Dalton.

Q. When was he appointed? A. I think, about a week or two weeks after I — three weeks, I think, after I entered upon the duties of the office.

Q. What is Mr. Dalton's business, calling, profession or occupation, other than that of deputy commissioner? A. Since he was appointed deputy, he has been, I think, almost exclusively, attending to the work of the department; my impression is that he is a mechanic by occupation; after working at his trade, which, I think, was that of a carpenter, connected with some gentleman in the business of butcher, supplying meat, wholesale.

Q. The task of cleaning the streets is not an easy one, is it? A. Most men, who have had any experience, seem to think not; I certainly indorse their thought.

Q. One which requires skill in the handling of men, and executive ability? A. Ought to have.

Q. And one, the head of which should possess all the qualifications to enable him to do that? A. Certainly.

Q. Now, what qualification, prior to your appointment to this office, had you for that kind of business, Mr. Beattie? A. Well, I was for four and one-half years, surveyor of the port, surveyor of this port; prior to the appointment of me as surveyor of the port, I was deputy county clerk for two and one-half years.

Q. Had you ever had any experience in the handling of large bodies of men, in the performance of large executive duties of this class? A. Not prior to my appointment as surveyor of the port, unless you consider the office force of the county clerk's office, as it was then

organized, large; I think there were over seventy-five; seventy-five to 100 employes at that time in the surveyor's office; there must be, at times, as many as 1,500 under the direction of the surveyor; 1,500 to 2,000, and all the time close on —

Q. In the performance of what kind of work were those men under the surveyor? A. Well, they were acting as gaugers, weighers, inspectors, employed as discharging officers of vessels coming in and going out of port — general supervision of the disposition under the various laws of the United States, disposition of merchandise imported and merchandise exported.

Q. At the same time the class of work performed by those men had absolutely nothing in common with the class of work which is required to be performed in the cleaning of the streets of the city, had it? A. Well, I think the same character or quality of fitness for the discharge of the duties in the one place, would [illegible] fit a man for the discharge of the duties in the other place [illegible] I think it is a matter simply of executive ability.

Q. Is the force employed in your department now, practically the same force which was employed in it by your immediate predecessor? A. I think the average is — well, I know the average to be a little less; considerably less.

Q. I don't mean in number; I mean in *personnel*? A. No; no; not quite; I have very few changes, but very few, except in the labor force.

Q. There is a list there of the present employes at your headquarters, and a list of all except the laborers and the persons from whom carts are hired; will you look over that list and tell who of them have been appointed by you [showing list to witness]? A. The chief clerk, Gilbert O. F. Nicoll; the superintendent —

Q. What is the chief clerk's salary? A. It is $2,800.

Q. Mr. Nicoll any relation to Delancey Nicoll? A. Not that I am aware of; he hails originally from Newburgh; I think Mr. Delancey Nicoll comes from the Long Island section, and as to whether there is any blood relationship, I know not; the superintendent, whose salary is also twenty-eight hundred — Michael H. Whalen; C. M. Westover, fifteen hundred, secretary; Joseph S. McCann, typewriter and stenographer, twelve hundred; D. H. Hara, record clerk and stenographer, reinstated, twelve hundred; those are all the appointments that I have made in in the clerical force, and as to the chief clerk, he was appointed on the voluntary resignation of Mr. Henry W. Beardsley, who was then in the office when I took charge.

Q. You have twenty-eight foremen? A. Yes, sir.

Q. What does "foreman" mean? A. Well, he is the immediate

supervising officer of the force that collects ashes, garbage, sweep the streets, and has charge of a given section of the city for that.

Q. A given precinct? A. Yes, sir.

Q. Which precincts usually run by the old ward lines, don't they, or the police precinct lines? A. They did before I entered on the duties of the office.

Q. Well, I will come to that later on; how many of these foremen have you appointed? A. I think I have increased the number by seven, up to date; there are thirty-six now.

Q. So that there are now thirty-six? A. Yes, sir.

Q. Of which number, how many have you appointed and how many have held over from your predecessor? A. Well; I haven't made exceeding five original appointments; I promoted two or three who were assistants and all of the remainder were appointed by my predecessor.

Q. Will you supply me with a list of the foremen and their assistants, dump inspectors —? A. I can have it done; just take a note of it [to an assistant].

Q. A list of the foremen, assistant foremen, dump inspectors and assistant dump inspectors? A. You want the names and the date of the appointment?

Q. Names and appointment? A. And by whom appointed?

Q. By whom appointed, and a statement of the number of foremen, assistant foremen, dump inspectors and assistant dump inspectors employed in December, say, of 1881; in the last month of the term of Mr. Coleman, for the purpose of comparison with the present numbers? A. With the last month — with November of this year?

Q. With November of this year; I want a list also of all persons from whom the department is hiring cars, with their addresses; now, Mr. Beattie, will you describe to us the condition in which you found the department on your entry into office; the system of street cleaning in vogue at that time and the system as you have now established it; we will then take that as a point of departure for our inquiry? A. I do not quite understand what you mean by the condition of the department.

Q. I mean the condition of the department as to efficiency of its force; whether they were men out of doors or men in-doors in the clerical service; the organization of the office and of the working force out of doors, and the changes which you have made, either in internal or external organization, and the general methods or system of doing the actual work of cleaning the streets before you went in, and the actual method or system which you now employ in doing

that work? A. The division as to sections was that of the police department, when the business of street cleaning was under the jurisdiction of that body, and corresponded to the precincts, of which there were thirty-three, but some of them — like the city hall park; that for street cleaning purposes, one or more happened to be included in a precinct for street cleaning; in all, there were practically twenty-seven precincts; they averaged from a few blocks to several miles, running from, for instance, Sixty odd street up to One Hundred and Tenth; from the park to the river; the section being so large as it seemed to me that it was impossible for a foreman and his assistants to cover the district once a day; I, as to that, inquired of the foreman that happened to be derelict in having the collections made promptly, and street sweepings and so on taken up the day that the streets happened to be swept, and fully satisfied myself, after their explanations, that they had altogether too much ground to cover.

Q. That is, that each foreman had? A. Yes, sir; as to some sections, the work was done partly during the night, and that necessitated change of supervising force, and the maintenance of, as I thought, in certain sections, of unnecessary force; I proceeded to divide the city, running from the Battery up to the Harlem river, into fifty-six, fifty-four sections, averaging about thirty-six to forty-two city blocks, and the sections above the Harlem river, where we have not over eight and one-half or nine miles of paved streets, were divided up into four or six, making sixty sections in all.

Q. What is the total mileage of paved streets in this city? A. Three hundred and sixty miles at the present time — nine miles more than we had on the first of January; and to each of those sections I assigned a foreman or a chief supervising officer, under whose immediate direction — and all the number of broommen, men who sweep with the hand; of horses and carts for the collection of ashes and garbage and street sweepings; and of sweeping machines and sprinkling carts, were assigned, with a view of fixing the responsibility upon that officer for the cleaning up of his section once a day; the assignments of equipment, of course, depended entirely upon the resources of the department, as I found it, and the amount of appropriation having been, as it seemed to me, disproportionately used— that is, the first quarter, and the obligations accruing, which were a charge upon the administration of the second quarter, having been so out of proportion to what was left, it was only possible for the commissioner to assign such number of horses, carts and men as the money at his disposal enabled him to, to each section; that is the system —

Q. Who is responsible for that disproportionate use of the appropriations? A. Well, I can simply answer that question by giving you the figures showing the expenditure for the quarter of the year.

Q. Very well; then I will ask that question later, so as not to break the thread of your story with regard to the systems. A. I will say generally, as I have already stated in the public prints as a commissioner of street cleaning, that I don't consider myself responsible for expenditures or making of obligations prior to the time that I entered upon the duties of the office, and that, of course, carries with it a statement that as to whatever claims against the department were accruing, or whatever expenditures had been authorized that became obligations when I entered upon it, in the second quarter, I had no power or control over; so that substantially the present commissioner of street cleaning, in his view, had to get close to the end of the second quarter of the year before he could proceed to handle his equipment in a manner somewhat satisfactory to himself in view of the circumstances and surroundings.

Q. Then there was a period during the second quarter when you really were debarred from making the attempt to thoroughly clean the streets for want of means? A. That has been the condition with reference to the department from the time I entered upon the office until the present date and will continue to be the fact until the end of this year.

Q. And it is a fact then that since you entered the office and down to date, the streets have not been kept thoroughly cleaned at all times? A. That is — the matter of cleanliness is a comparative question, and I would very much prefer to answer that with reference to some given date or time.

Q. Well, it is a matter of fact that the streets have not been kept as clean as it was anticipated they would be kept by the proper expenditure within the proper periods of the total annual appropriation, is it not? A. I think the appropriation divided equally with reference to the necessities of each period of the year, properly expended, would have enabled the department to have done better work than it has done.

Q. And the streets are, consequently, not so clean as they would have been had it not been for this misuse of the appropriations in point of time? A. Well, I am not prepared myself to state that there was any misuse of the funds of the department by any officer; I am satisfied, as every common-sense man must be, that the more money a department has, the more widely it is expended, the more effectively can it do its work; that is, so much cleanliness for so much money.

Q. Well, instead of "misuse" then, say disproportionate expenditure in point of time? A. I think instead of having for the third quarter of the year $105,000 less to run the department than was required for the last quarter of 1889, or the first quarter of 1890, that the department could have done better work, naturally would have.

Q. You are satisfied then that if you had the $105,000 which you would have had, had there been no disproportionate expenditure, the streets would have been cleaner to-day? A. Unquestionably.

Q. Whose fault is it that you have not got the $105,000? A. Well, I have already stated that I did not enter upon the duties of the department until the seventh of April.

Q. Well, it is certainly not your fault, and the committee certainly will not insinuate that it was; it is the fault of your predecessor, or some one connected with your predecessor, is it not, or is the department faultless in the premises, as a department? A. My own conviction is that the same amount of money, which was spent during the first quarter of 1890, and the same amount of money that was spent during the last quarter of 1889, ought to be spent on the cleaning of the streets and the collection of the output, of the work of the department every quarter of the year; in other words, I think that you can not have the streets as clean as they ought to be, to a reasonable citizen, without spending more money.

Q. Your claim is, that if the streets are not so clean as you and everyone else would like to see them, it is not your fault? A. Precisely; precisely.

Q. You claim that one of the reasons why it is not your fault, is because you have not the means which have ordinarily been had? A. That is right.

Q. For this particular time? A. That is true.

Q. That it is not your fault that those means are not had? A. Quite so.

Q. Somebody is at fault, is he not? A. Well, I leave you, Mr. Ivins, to draw the inference; I prefer to state to you and to the committee facts.

Q. Are you one of the men who believe in government by party? A. I do.

Q. Is the party at fault? A. The party at fault?

Q. Yes; is the party which is responsible for the administration, at fault? A. I think every party is responsible for its inefficiency, and is entitled to the credit of an effective administration of affairs.

Q. The streets are not as clean as they ought to be, are they? A. Unquestionably not.

Q. And you are one of the men who believe in the responsibility of party? A. Undoubtedly.

Q. Now, you believe in the responsibility of administrations? A. I do.

Q. And you are at the head of the street cleaning department? A. Yes.

Q. And you have had an opportunity to investigate these facts? A. Yes.

Q. Now, who, in your judgment, is responsible; it is not you, you say; is it your predecessor, is it the mayor, or is it Tammany Hall; who is responsible; some one is, you say? A. If you want to ask me whether, being a member of any party, or subscribing to any particular views, I am ready to take my share of responsibility for the consequences of an affiliation or subscription, then I say I am; if you want me to —

Q. I don't mean to ask you whether you are responsible as a member of the party? A. If you want me to apportion or distribute blame among those who ought to be considered my peers, I prefer not to do it.

Q. Well, you are a taxpayer, are you not? A. Every inhabitant of this city I take to be a taxpayer.

Q. And a voter? A. I have the pleasure.

Q. And a citizen with the interests of the community at heart? A. I hope that that is conceded.

Q. And holding, at the suffrage of the people, a prominent office? A. An honorable and prominent office.

Q. In the administration of which you, as a citizen, have an interest, same as any one else? A. Precisely.

Q. Are you willing to tell me who you, as a citizen, are prepared to hold responsible for the fact that the streets are not as clean as they ought to be? A. I think that the board of estimate and apportionment, in the first place, is responsible for not yielding to the intelligent facts presented to them in the communications which have been made from the department of street cleaning to that board, from year to year, for years back; I think the responsibility must begin there.

Q. Well, let it begin there; now, let us see where it ends; who made this disproportionate expenditure; your immediate predecessor? A. The gentlemen who were in charge of the office prior to my taking possession of it under my appointment.

Q. By "gentlemen," whom do you mean? A. Mr. Loomis was my immediate predecessor; prior to him Mr. Coleman; Mr. James S. Coleman.

Q. Mr. Coleman made no part of this disproportionate expenditure for this year? A. No.

Q. So we will confine ourselves to that and take up the others subsequently? A. I have stated, however—I suppose you want all the facts, don't you?

Q. Well, wait a minute; I want to draw out one particular fact; I say, your immediate predecessor was responsible? A. I have stated that the quarter beginning with 1890 was about on all fours with the quarter which ended 1889.

Q. Well, we will take that up; we want to fix the responsibility for the fact that the streets are not quite as clean as they ought to be now, which is incident to the fact that there has been a disproportionate expenditure; Mr. Loomis made that disproportionate expenditure, did he not? A. Made under his administration; no question about that.

Q. Then he is responsible for the condition which has, in a measure, crippled you? A. Well, that is—

By Senator FASSETT:

Q. That is, so far as that disproportionate expenditure has crippled you, the man who is responsible for the disproportionate expenditure is responsible, is he not? A. I think that goes without saying.

By Mr. [illegible]:

Q. Consequently, he is responsible to that extent for the present insufficient cleanliness of the streets? A. Well, ergo—I follow up your reasoning.

Q. Do you regard the mayor as being responsible for his appointees? A. [illegible]

Q. Then the mayor is responsible for the present insufficient cleanliness of the streets, is he? A. Well, you are a very excellent reasoner, according to the requirements of logic—but I don't see—

Q. We want to fix the responsibility somewhere for this thing.

Senator [illegible]—When did Mr. Coleman resign?

Q. When did Mr. Coleman resign? A. I think he went out of office [illegible] Mr. Coleman was in office some portion [illegible] I don't know, but I don't [illegible] was [illegible] about the middle [illegible]

Senator [illegible]—Thirteenth.

Mr. [illegible]—Thirteenth day of January, 1890. Mr. Coleman was [illegible]

Q. Now, Mr. Beattie, continue with your description of the manner of doing the work, but begin by describing the general system by which the work is done. A. The principal supervisory officers are in their order the deputy, who, in the absence of the commissioner, represents him in the main office; the superintendent, who has charge of the general out-door work; that is, the assignment of such number of horses, carts and men under the schedule laid out for the sweeping of the streets and the collection of ashes — I mean as to the period of collection; he, in turn, is aided by a principal assistant superintendent and three district superintendents, and each of the assistant superintendents or district superintendents assist him by looking over and inspecting the work of the foremen, the city being divided up into three sections, for that purpose the superintendent of stables, who has charge of the disposition, that is, the sending out an assignment under the orders of the superintendent, of the sweeping machines, sprinkling carts, such carts as are owned by the department for the collection of ashes, garbage and street sweepings, and general supervision of the affairs incident to the caring for the equipment to be found in the stables of the department —

Q. Who is your superintendent? A. Michael H. Whalen; he was formerly superintendent of the barge office in the United States service.

Q. He was formerly connected with the county clerk's office prior to that time? A. No; I think not; I don't think he was ever in the county clerk's office; he was an inspector of customs.

Q. Who was his predecessor as superintendent? A. His immediate predecessor was a Mr. Robbins, I think, in that office; he is still there as assistant.

Q. Is Mr. Green still in your department? A. No, sir; he was not there when I went in.

Q. Do you know when Mr. Green went out of the department? A. I do not.

Q. Has Mr. Whalen ever had any expert or technical actual experience in conducting a business like that of the cleaning of streets? A. He has had knowledge of the handling of men, under the direction and guidance of his present chief, as superintendent of the barge office; he had charge of the day and night forces employed in the supervision of the imports and exports which come in and go out of the city, and the distribution of the inspectors by day and by night over a length of water front exceeding seven hundred miles.

Q. Figures look large, seven hundred miles; but had he ever had any particular qualification for the performance of the duty of cleaning the streets? A. In the view of the present commissioner of street cleaning, yes; he has already stated that for any such office no special qualification other than that of executive, administrative ability and average intelligence are required; nor does he know of any other equipment that is essential for the administration effectively of any such work than he has already stated.

Q. Don't you think that a person who had actually been a contractor in the performance of such work, or who had had long experience in the department already in the performance of such work, would be better equipped for it than a person on the outside? A. As a matter of experience based upon the few months that I have been in charge of the department, I don't find that to be the fact; at the present time, and for some time back, we have had more or less work done by contractors.

Q. Is this one of the departments where the more work a man does the less qualified he is to do it; where the more experience a man has the less qualified he is to do the work? A. I rather think not; I have an impression that that is not so.

Q. Then what do you mean by what you say? A. I say as to some of the men, such as the present commissioner has had experience of; I don't find their qualifications so far in excess of that particular man's qualifications, for the work which he was assigned to do; the man whom you made reference to; I have not said that the more opportunity a man has to acquire experience the less efficient he becomes, or that the more a man tries to know the less he knows.

Q. The foremen come directly under the superintendent, do they not? A. In the order named; foreman, district superintendent, assistant superintendent, superintendent, deputy commissioner.

Q. What do you mean by district superintendent, particularly? A. The duties of a district superintendent are to go through a section of the city such as may be assigned to him, according to the number, keep a general supervision over one-third, there being only three districts; the assistant superintendent after him, the department working by day as well as by night, represents the superintendent in his absence; you understand that the stables of the department are open both day and night, and that in some portions of the city we do our work as best we can by night as well as by day.

Q. What system have you for the purpose of inspecting the streets to see whether or not they are satisfactorily cleaned? A. The district superintendents, as I say, are charged with the duty of keeping a

general supervision of each section, the city being divided into four parts for that purpose, and they carry on that supervision through actual physical inspection, telephoning from one dumping place to another, getting what information they can from the inspector, the dumping inspector, who is there continually, and from the foremen, who frequently call during the day, to see what quantity their cartmen bring in, and to have a general check over the inspector as well as the collector.

Q. Have you any list of the appointments in your department which also shows at whose request or solicitation the appointments were made? A. I think not; I have never kept any such list.

Q. Did you find any such list in the department, left there by your predecessor? A. Well, I have not, and I have not looked for one.

Q. You don't keep an appointment book? A. We keep a register of appointments.

Q. Suppose several of the gentlemen in this room were to recommend to you a certain person to be appointed as a sweeper or as a foreman, and you were to take their recommendation as sufficient, after having talked with the man, and were to appoint him, have you any means of discovering, other than by calling the man, who those sponsors have been, if you find he is doing his duty faultily? A. Any other means cf knowing whom I appoint?

Q. Any systematic means of knowing who the sponsors for your appointees are, on whose recommendation and guaranty you make those appointments? A. I have no other means of knowing who they are than through the persons who write to me to talk to me.

Q. You don't keep a record of it? A. I don't keep a record of what people say to me; if a man writes me a letter I file it; what you or any gentleman might say to me as to the desire on his part to have somebody appointed I would not be apt to make any record of; the appointments are not so numerous that I can not carry those things, as far as my experience has gone, in my head; as to the important appointments in the office, they are made, as you know, under the requirements and rules regarding the civil service under the general act.

Q. Your district superintendent is responsible then in the first instance for the inspection of the streets as to their general cleanliness? A. After the foreman.

Q. That is, he is superior to the foreman? A. Yes, sir.

Q. And he himself inspects the work of the foreman? A. Yes, sir.

Q. How long has your district inspector or superintendent been in office? A. The present district superintendents were all in office when I went there.

Q. Do you know whether they were in office under Mr. Coleman or not? A. I think most of them were; my impression is that they all were.

Q. All of them? A. I say that my impression is that they all were?

Q. But they have all been retained in their offices since that time? A. Yes, sir; this qualification should be made as to that, that for a few months I had them act simply as foreman with a view of saving money; that is I temporarily reduced them in the ranks from district superintendents to foreman; I didn't want them to go out of the service; but I quickly found that it would be better to have district superintendents even at the risk of running out of money, so I revoked that order.

Q. Who is the district superintendent in whose district the lower half of the nineteenth Assembly district is? A. The lower half of the nineteenth, a man named Morrison at the present time.

Q. What is his full name? A. John J. Morrison.

Q. Then he and the foreman are responsible for the inspection of the streets in that particular district to show whether or not they are sufficiently clean? A. The foreman is immediately responsible because to him is given the equipment, to him is given the force.

Q. Who is the foreman there? A. In the nineteenth Assembly district we have got I guess not less than four or fire foremen.

Q. The district is large? A. The district is long.

Q. Who has the district between Seventy-second and ninetieth streets? A. I think a man named McCullough.

Q. How long has he been in the department? A. He was there when I went in it.

Q. Is there any standard of cleanliness in the department? A. The standard of cleanliness is, as far as the collection of ashes, garbage and street sweepings is concerned, the taking of them up and disposing of them on the dumping boards of the department.

Q. Are they taken up? A. I think so.

Q. Sometimes? A. Pardon me; I don't say sometimes; you asked me if they were taken up; I say I think so; I now will say positively that I know they are; there is no other person to take them up, no other department to take them up, and we take them up.

Q. There is no standard except that they all ought to be taken? A. I thought you asked me for a definition of cleanliness as a standard obtaining in the department?

Q. Yes; a standard of cleanliness? A. I said already that the question of cleanliness was a comparative one, and varies with the build of the individual.

Q. Is there any reason why Fifth avenue in the city of New York should be kept cleaner and should be cleaned more frequently than Division street, or Baxter street should be? A. I think they should all be cleaned.

Q. As a matter of fact is Division street as clean as Fifth avenue? A. As a matter of fact, it is not usually as clean; but as a matter of fact that is because it is a physical impossibility to keep it as clean.

Q. Why is it impossible to keep Division street as clean as you keep Fifth avenue; it is almost as wide, isn't it? A. I guess not quite.

Q. Take East Broadway; East Broadway is almost as wide, isn't it? A. Yes, sir.

Q. Can you keep East Broadway as clean as you can Fifth avenue? A. No.

Q. Why not? A. The traffic is different, and the habits of the residents.

Q. Wherein is the traffic different; do more horses go over East Broadway than over Fifth avenue? A. I think more horses go over Fifth avenue.

Q. There are more horse droppings on Fifth avenue? A. There is very much found, to be found in this city than mere horse droppings.

Q. There probable will not be so much ashes in Fifth avenue as there will on East Broadway? A. You mean house with house?

Q. Building with building? A. Yes; it would be more.

Q. Do your men go through East Broadway as frequently as they do in Fifth avenue? A. Yes.

Q. Do your men go through East Broadway every night? A. No; for the collection of ashes, garbage and street sweepings they go through every district in the city daily, Sundays excepted.

Q. Do your street sweepers go through East Broadway as frequently as your street sweepers go through Fifth avenue? A. I say for that work they go through, and it is the order of the department, every street, lane and alley-way in this city every day, Sundays excepted.

Q. That is for the purpose of taking out the ashes and garbage? A. Whatever street sweepings are there to be collected; now, as to Fifth avenue; within recent date and directly under the order of the present commissioner, Fifth avenue and Broadway, they being prominent thoroughfares to which all citizens went their way several days a week, especially on Sunday, this commissioner has deemed it his duty to keep those streets especially clean, because they are places of concourse, promenades that, whether a man lives in Baxter

street or Division street he will occasionally try to wend his way to on a Saturday afternoon or a Sunday.

Q. Have you ever walked up or down East Broadway of a Saturday night? A. Very rarely.

Q. Don't you know that there are more people moving up and down East Broadway of a Saturday night than there are on Fifth avenue? A. Certainly.

Q. Is there any distinction between people in this city? A. There ought not to be and there is none made by me.

Q. East Broadway is a more difficult street to keep clean than Fifth avenue, is it not? A. I think on the whole that there is more difficulty from the difference in quantities of ashes and garbage to be found.

Q. Then that is one reason why more time should be devoted to the cleaning of that than to a less difficult street, isn't it? A. There ought to be a cleaning of all the streets of the city; the commissioner is not going, so long as he is before this committee, to do other than discuss the matters connected with his department in a wide view and with reference to the necessities and wants of the whole population; and I trust that no assumption will be made that the department has, under its present head, anything to cover up or to hide or to show the least disposition to avoid the closest scrutiny of it, whether it relates to one street or to another.

Q. Do you expend as much money per block in the cleaning of East Broadway as you do per block in the cleaning of Fifth avenue? A. I do not, because I can't.

Q. Why can't you? A. I have not got the money.

Q. Then why should you give more money to Fifth avenue than you do to East Broadway, if East Broadway is the more difficult street to keep clean? A. For the reasons already stated, that being thoroughfares as they are, just as it now costs the department more to keep Madison avenue, or any avenue on which there is asphalt pavement, reasonably clean, than it would to keep a block, or even a cobble stone pavement.

Q. The pavement on East Broadway is not asphalt, is it? A. Not that I am aware of; I don't know but that it shall be one of these days, however.

Q. Do you keep East Broadway as clean as you do Printing House square? A. We try to keep all the streets clean.

Q. Do you keep it as clean; I know you try to; but do you succeed? A. The measure of success is to be determined, not by the commissioner, but by the public.

Q. Is Fifth avenue kept too clean? A. There is not any street in the city that can be kept too clean, or in any other city in the world; but I would like to see this city kept as clean as any other city in the world.

Q. Would it be fair to take Fifth avenue as a standard of cleanliness? A. You can adopt what standard you please, and I will try to answer the questions with reference to that standard; to set up a standard, which, I have already said, is like a sliding scale, and is comparative, is something that, in my judgment, a rational man is incapable of doing.

Q. Is Fifth avenue kept clean? A. There are portions of Fifth avenue to-day that are dirty, inevitably so and unavoidably so, notwithstanding it was swept last night, and I saw it in course of being swept.

Q. Fifth avenue is one of the most difficult streets to keep clean, is it not? A. I don't think you can keep it reasonably clean without sweeping once a day; I think every street in the city should be swept once a day.

Q. And even with all the work you put on Fifth avenue, you say that that street is not, in all regards, clean? A. My standard of test, I hope the counsel will concede, is considerably higher than that, perhaps, of some other men who have been in the street cleaning business: I should like to see this city the cleanest city in the world, and I will spend all the money I can get in coming up to the highest standard.

Q. Will you get all you can spend? A. I hope so; this committee can help me to get it.

Q. There are other parts of the city that are not as clean as Fifth avenue? A. Yes, sir.

Q. Then just to the extent that they are not as clean as Fifth avenue, they are peculiarly dirty, if Fifth avenue is not up to the standard, are they not? A. That is the same question; I have not any answer to make to that.

Q. I want to know, in your judgment, what is possible to be done to make the city clean; you are charged with a duty? A. Yes, sir.

Q. The city is not clean; now tell us what you, as charged with that duty, think is necessary to make it clean? A. To make it as clean as it ought to be made, I think you have got to do one of two things, you have either to give the department enough of appropriation to supply itself with the very best equipment that can be had in the open market, and having that equipment you have to give each supervisory officer like a foreman, enough men, horses

and carts to do his work within a period which will not cover more than eight hours of the twenty-four —

Q. Suppose we concede that those are absolute conditions precedent to doing the work thoroughly? A. I say that is one thing you have got to do; if the work is to be done directly through the immediate agents of the department, selected by itself, it ought to have the necessary equipment that a private business organization would provide, did it have charge of the same kind of work; if that is not to be done, then unquestionably the statute should be amended so as to permit the head of the department and the board of estimate and apportionment to make a contract for a long term.

Q. And if necessary for the entire work? A. For the entire work, or for the work, if you please, to be split up into such lots or sections as will enable the persons who contract to do the work to have it all done within about six hours out of the twenty-four; that would correspond somewhat to the methods pursued in other cities, and I think would avoid nine-tenths of the complaints which are inevitable to any system which has so far obtained.

Q. When you say contract for a long term, you mean to contract for a term sufficient long to justify the persons who bid in supplying themselves with a proper equipment? A. Precisely; the law, as I understand now, permits a contract for only a term of three years for sweeping, five years for final disposition; as far as my information extends, and as far as any evidence has been furnished to me through the chief magistrate on that point, no offer has been made for to do the work of the department that the board would ppropriate money for.

Q. Leaving aside the second alternative, which is the alternative of contracting for a long term, in case a man got the money to equip your department and to employ the requisite number of men, and confining ourselves to the condition as it is under the existing laws, we have to elect the first alternative, if the streets under existing laws are not clean, it is because you have not the equipment to do so and the number of men? A. Yes, sir.

Q. Who is responsible for the fact that you have not the equipment and the number of men; is it not the board of estimate and apportionment? A. Unquestionably.

Q. So that the ultimate responsibility for the uncleanliness of the streets, if that uncleanliness is due to want of sufficient force, is on the board of estimate and apportionment? A. I think, in answering your question affirmatively that this qualification should go with it; it has not appeared to me, nor has any information been given me that

would lead me to charge the entire responsibility for this situation on the board of estimate and apportionment; there have been statements, numerous statements made through the public print, that the appropriation which the department has for the present year and which it has had for years back, would be amply sufficient to keep the streets of this town in the condition the statute organizing the department contemplated that they should be kept.

Q. Do you know anybody on the public press who is in your judgment sufficiently acquainted with the business and the difficulties surrounding the business to be enabled to speak authoritatively with regard to the proper cost of it? A. I regret to say that I do not know a solitary journalist in this city and I have made an effort to connect with many of them and have succeeded in reaching some — I do not know of a solitary journalist in this city who is informed as to the cost of keeping a strip of street clean, I don't care how small a strip.

Q. The board of estimate and apportionment is an official body sworn to do its duty and to make appropriations, and consequently to advise itself as to what will be a sufficient and necessary appropriation; the newspapers have no such obligation, have they, as far as you know? A. From a standard similar to that which you recently set up, Mr. Ivins, with reference to street cleaning, I should say that it is eminently the function of an intelligent journalist to feel a responsibility to the public and to advise all officers of the city government to do that which is the outcome of his wisdom.

Q. Then he must qualify himself, must he not; before we get done I want to find out how much of the misgovernment of the city is due to the fact that it is very largely a government by newspaper.

Adjourned until Monday morning, December 22, 1890, at 11 o'clock A. M.

MONDAY MORNING, *December* 22, 1890.

Present — Senators Fassett, Stewart and Ahearn.

HANS S. BEATTIE, being recalled, testified as follows:

By Mr. IVINS:

Q. I asked you to prepare a statement giving the names of the foremen and assistant foremen, inspectors and the persons from whom carts have been hired for a number of years back; is that the document [handing paper to witness]? A. It is.

Q. Will you just describe it completely so that it can be identified? A. Well, it is a list of those who were foremen, assistant foremen,

inspectors, and assistant inspectors, November, 1889, the same information for November 1890, also a list of the hired cartmen during the same period, November 1889 and November 1890.

Q. Now, will you tell us what the hired cartmen are? A. They are employed in the collection of ashes, garbage and street sweepings at a compensation of three dollars and fifty cents per diem, for man, horse and cart, on condition that a stipulated number of loads are collected and delivered at the dumps, and in any case in which the allotted number of loads is not hauled there is a proportionate reduction, in other words so many loads less, so much reduction.

Q. What do you mean by hired cartmen, the man who drives the cart or the man who owns it? A. Well, we mean by a hired cart, one the services of which are given to the department on the conditions stated; the owner of the cart may not necessarily be the driver of the cart.

Q. Suppose I own three carts, and they are hired from me, I driving none of them but having a driver on each, how would that be entered in your books, against the name of the driver, or owner? A. As against the name of the owner, I suppose.

Q. So have you any list in the department which shows succinctly how many carts are employed from one person, from each person? A. That information can be obtained, I think, at any time, but I do not think there is any separate list kept.

Q. How are these cart drivers selected? A. If you will permit me just a moment to explain, the department both under the present administration and the past, as I have been informed as to the customs of the past, has always been desirous in hiring horses and carts, to have the owner of the cart act as a driver, but so far it has not been found to be practical to insist upon any such rule.

Q. How are these carts selected and their drivers appointed? A. Well, on the application sometimes of the individual owner who may or may not be the driver, on the recommendation of all sorts of people.

Q. Have you ever appointed anyone to drive a cart, or hired anyone's cart on the mere naked application of the person himself? A. I have.

Q. How frequently do you suppose you have done that? A. Well, I don't know how many such appointments I have made since I have been in the service, but I have given the preference to men who owned their own plant on the ground that the department get better service from the owner of a cart than from some person who is working for the owner.

Q. Is it not customary for the person whose cart you hire to come

with a recommendation or a request for his appointment or hiring? A. Oh, as a rule, that is done, but there are exceptions, and the office is open to applications to all kinds of people.

Q. Now, isn't that done, as a rule, also on the recommendation for appointment of friends or neighbors of the cartman who have political influence? A. Well, as a rule for occupation or employment in all public departments the people who seek employment seek the assistance, aid or help of men who take an interest in public affairs and are known to those who happen to be the heads of departments, or in control of the business of whatever department employment is sought in; but I know of no rule in the department of street cleaning, either now or at any other time, or as to any office in which I ever had control, that precludes or prohibits any citizen for seeking employment with or without assistance.

Q. Well, the practice is much more important than any rule would be, is it not? A. Most of such matters, it seems to me, depend on the disposition of the head of the department.

Q. Now, let us see what your disposition is; have you, during the last three months, appointed cartmen or hired carts at the request of politicians? A. Oh, yes; am doing so every week.

Q. Did you, during that time, appoint a cartman or hire any cart at the request of a Republican? A. Now, that I don't know.

Q. Well, would it be so rare that you could not remember it?

By Senator Fassett:

Q. That is, if you did, you didn't know it; is that what you mean? A. Well, I would rather not put it that way, Senator.

By Mr. Ivins:

Q. Did you during this time appoint any cartmen or hire any cart at the request of any member of the County Democracy? A. Within what period?

Q. The past three months? A. As a matter of fact, I couldn't tell; these gentlemen come and make these applications to me, and I don't ask them; as a matter of fact, I usually know; but if a gentleman who is known to me to be a Republican or a County Democrat came in, I should certainly not put him through his examination to see whether he had changed his political creed; there are so many changes, and have been so many changes of late, that it would take all my time to find out.

Q. Did you appoint any one during the last three months to drive a cart, or hire a cart from any one on the application of any member of the Citizens' Municipal League? A. I have no doubt that I have

made such appointees on the recommendations of gentlemen who were identified during the last campaign with the People's Municipal League; whether they were members of any political organization, I know not.

Q. Can you recall any one of those gentlemen now? A. I can't recall without reference to my files; I don't know whether I kept the letters or not; but I received applications, I think, or at least letters, suggestions, of the nature to which you refer, from such men as Dr. Crosby and Father Ducey.

Q. This is for carts I am talking about now? A. Either carts or drivers.

Q. Did you make an appointment for Dr. Crosby? A. I have always been very happy to respond to any suggestions —

Q. Did you respond, happiness apart? A. I think I did.

Q. Did you make an appointment for Father Ducey? A. My impression is that Father Ducey's word had weight in behalf of whomsoever he referred to, but as I say, without referring to records of the department, I can't tell you what I did; I can give you in general terms what transpired.

Q. You seem to have picked out the ministry as the one thing that you remember; what other ministers have you made appointments for? A. Do you mean theologians identified with some other branches of the Christian church?

Q. Clerics of any kind? A. I can not tell without reference to the books.

Q. What have you done in the department at the request of Father Power? A. I can not tell you without reference to the books; if he wrote me in behalf of any of his parishioners who were in want of employment, and the department had an opportunity to employ good and useful men, I have no doubt I did it, whether it is Father Power or anybody else.

Q. What can you say in that respect as to Mr. Robbins? A. I do not know as to that; I would not say.

Q. Now, we have exhausted the list of ministers; did you make any appointments of drivers of carts, or hire any carts on the requisition, request, application or recommendation of Tammany Hall? A. Not one.

Q. Did you make any such appointment on the request of any individual man whom you knew to be a member of Tammany Hall? A. Oh, yes.

Q. Then when you said no to the former question, you meant that Tammany had not called a caucus, and passed a formal resolution,

and demanded it as a party right? A. As an organization so far, I have not found it interfering with the conduct of my business, by making requisitions upon me.

By Senator FASSETT:

Q. You mean Tammany Hall has not acted towards you in the capacity of a body politic, asking you for favors as such? A. I so understood Mr. Ivins to put the question.

By Mr. IVINS:

Q. You have made such appointments at the request of district leaders in Tammany Hall, have you not? A. Yes, sir.

Q. And hired such carts at such request? A. Yes, sir.

Q. Have you made any appointments to foremanships at the request of district leaders in Tammany Hall? A. I answer that by stating that I do not see how I could; if you will call off from the list there, I will give you my memory of the appointments I have made, and my reasons for making them.

Q. When did you come into office? A. The seventh of April, last.

Q. On the twenty-second of April you appointed John Ward? A. Yes, sir.

Q. Who is he, and where did you appoint him? A. John Ward was certified amongst a list of eligibles, by the regular board.

Q. What is the regular board? A. City civil service board, and was in due form under such recommendation of the city civil service board selected; I knew the man formerly to have been in the customs service, I think as an inspector; when he came before me, or his name did, of course, I recognized who he was; he is now out of the service, resigns, under a little pressure I think from the superintendent, within the past eight or ten days, from the fact that while he may have made a good inspector he was not making a good foreman of street cleaning.

Q. Isn't that rather remarkable that a person who has made a good inspector in the customs service should not make a good foreman of street cleaning? A. No; not necessarily.

By Senator FASSETT:

Q. Whalen was also connected with the customs? A. Yes, sir.

Q. In other words, good theological student's don't always make good ministers? A. No, sir.

By Mr. IVINS:

Q. I find by your list that twenty-one appointments to foremenships have been made by you during your term so far? A. Not original

appointments; I think I have only appointed five foremen in the place of others who were removed or withdrew from the service for cause, and my impression is that three of the five were veterans.

Q. What does it mean then, when it appears on the face of this document which you submit, that twenty-one persons have been appointed foremen since you came into the office? A. It means that those who did not receive original appointments —

Q. What do you mean by original appointments? A. Coming into the service for the first time; were promoted from the position of assistant foreman to the office of foreman; that is what it means, which carries with it an increase of salary to a small extent and grows out of the fact that as soon as there was a redistricting of the city for street cleaning purposes, I mean from the old precinct lines to the present sectional lines, as far as I could I made foremen, abolishing assistant foremen, and so advised the civil service board, and have asked for enough money to pay the salaries of these foremen in all these sections; that is what that means.

Q. So that you have abolished one office and increased the number of offices of a next higher grade? A. Precisely.

Q. And that carries with it virtually the payment to what used to be foremen and assistant foremen, of the same salary. A. It carries with it the difference between the pay of an assistant foreman and a foreman, but inasmuch as each man, whether foreman or assistant foreman is now called upon to take the same responsibility and discharge the same class of duties I think he should receive the same pay.

Q. Well, that equalizes the pay up? A. Oh, yes, sir; no decrease.

Q. Now, when you redesignated these assistant foremen as foremen and made provisions for the payment to them of the foremen's salary, what did the civil service board have to do with the promotion? A. Examined them for promotion.

Q. Examined them for promotion? A. Yes, sir; the men were sent to them.

Q. As in the ordinary case? A. Yes, sir.

Q. They were not examined as for a new office? A. They were examined for promotion.

Q. For promotion simply? A. For promotion.

Q. At whose suggestion, if at the suggestion of anyone, did you make this change by discontinuing the office of assistant and grading the assistants up? A. It was done wholly of my option, growing out of my own common sense as to what was right.

Q. Now, did you find the men who were theretofore performing

duty as assistant foremen that are now performing duty as foremen performed their duty as foremen well? A. Some of them are better than even some of our foremen; as a matter of fact, under me from about the third of May until the time of their promotion they had been discharging the duties of foremen.

Q. What was the pay of the foremen at that time? A. Nine hundred dollars.

Q. What is the foremen's pay now? A. The same salary.

Q. And the assistant foreman was paid —? A. Seven hundred and twenty dollars.

Q. Did those assistant foremen complain of the insufficiency or inadequacy of their salary? A. Some of them did; some of them said they did not see why their pay should not be the same as the foremen if they had to do the same class of work and take the same responsibility; that seemed to be a fair thing.

Q. Are all foremen paid alike now in the department? A. Oh; yes, sir.

Q. There is no distinction of classes to-day at all? A. There never will be in any department I have got anything to do with.

Q. Have you any foremen to whom you pay two dollars per day simply? A. We have not any foremen, we have some men who have been appointed as laborers, that until an appropriation is made by the board of estimate and apportionment, we use temporarily, but are not foremen, nor are they assistant foremen.

Q. Have you any foremen to whom you pay sixty dollars a month or anyone doing the duties of foremen? A. As a matter of fact, the persons to whom you refer are paid by the hour, twenty-five cents an hour; occasionally a man works more than his eight hours, eight hours constituting a day's labor.

Q. You mean the laborers are working as foremen temporarily? A. Yes, sir; but as I say that is a mere temporary matter; I have asked for money to relieve the department from the annoyance.

Q. There is no question is there about your power to appoint laborers to do that class of work? A. I think not; I consulted the officers of the civil service board and the matter came up in a different form in some correspondence with the comptroller on the question of an audit and I think was referred to the counsel for the corporation.

By Senator Fassett:

Q. The difference would simply be this, that these men could be made laborers without civil service examinations, and assigned to these duties? A. Yes, sir.

Q. But if they were employed nominally as foremen they must pass a civil service examination, is that so? A. Precisely; the statement was made by me at the time the question was first raised that the appropriation for the present year would not permit of the employment of as many foremen and I thought it was of more consequence to have the sweeping of the city made for street cleaning purposes.

Q. Have you said to Mr. Ivins how many men you have thus nominally employed as laborers, who were actually doing the work of foremen? A. Well, off and on it would probably average about ten; about one-half I imagine of what were formerly employed.

Q. That amounts, whether from the necessities of the case or otherwise, to a substantial evasion, does it not, of the civil service requirements. I do not mean that intentionally that is so, but that is the effect of it? A. Senator, I do not quite see how that inference can be drawn when the very authorities designated —

Q. Consent to it? A. Designated to enforce the act had the matter before them, and there was no way out of it except to embarrass the department in reference to its business.

Q. Let us get at it another way. If you can appoint ten men as laborers, nominally, but substantially and formally as foremen, what would prevent their being a hundred, or if you have one per cent, and that is correct under the civil service law, why can you not have two or three or four or five per cent? A. I would probably be willing to grant immediately that if a man desired to do such a thing there is nothing in the law to prevent it.

By Senator AMES:

Q. These laborers who act as watchmen receive only laborers' wages, do they? A. Always.

Q. Do not receive the watchman's wages? A. No, sir; twenty-five cents an hour, the limit being, as I stated, the eight hours.

By Mr. IVINS:

Q. While you are speaking of the insufficiency of your appropriation, you have recently compelled the men in your department, or asked the men in your department, to accept a sum less than the present salaries for the present month, have you not? A. I have for the balance of this month, or for this month's pay.

Q. What rebate on their salaries did you ask them to make? A. I think it was fourteen per cent.

Q. Have they all accepted your suggestion and declared their willingness to accept the fourteen per cent? A. So far as I know; it is only a few days ago that I gave the order.

Q. Have they signed any papers? A. Some have; I don't know whether all have.

Q. What paper have they signed? A. Simply to continue to discharge their duty subject to such a reduction, if necessary.

Q. Voluntarily foregoing fourteen per cent of their salaries? A. For this month; I suppose, as a rule, the force would do that or anything else necessary to help the department out; I wish to state here that owing to the necessity of making up a weekly pay-roll, and under a bill, I think, which was passed in June of the present year, the work of not less than three additional clerks has devolved upon the department; I refer to the weekly payment bill, and there was no provision made for that necessarily, as it was not anticipated at the time the appropriation was made.

Q. When did you get your last appropriation from the board of estimate and apportionment? A. I think it was last Thursday or Friday.

Q. What was it, $17,000? A. Sixteen thousand and odd dollars; about $16,500.

Q. Did you thereupon hire an enlarged staff of men? A. No, I did not; they had already been employed.

Q. In anticipation of the appropriation? A. I felt tolerably certain that inasmuch as the work was necessary to be done, growing out of the two snowfalls we had had and the matter freezing immediately after, feeling that the board would do whatever it could to enable the department to have that stuff carried away.

Q. How many men did you hire at that time? A. Oh, I should think probably not less than, covering the days that they were employed, I think about five or six hundred men, all told, for the emergency.

Q. You hired five or six hundred new men? A. Yes, sir.

Q. Additional men? A. Yes, sir.

Q. Were they all hired simply as temporary hands? A. Oh, yes; in fact, they were hired through the man who furnished the laborers; there was no other way of getting at it.

Q. Hired through a labor contractor? A. Yes, sir.

Q. Who was he? A. A man named Sparboro.

Q. An Italian? A. Yes, sir; he had done similar work for the department before.

Q. Had you had occasion to have recourse to this plan of hiring a largely reinforced body of men before? A. No; do you mean personal experience?

Q. Yes; so far as you yourself were concerned? A. No; I simply advised myself as to men that were experienced as to such matters.

Q. How many extra carts did you put on at the same time? A. That I can not tell you.

Q. You need not tell it to me accurately; give it to me approximately? A. I should think we had anywhere from seventy-five to 155.

Q. How did you select those; how did you procure the services of those people? A. Well, we got the carts just wherever we could; there was no time to make any sifting or selection.

Q. Did you advertise for them? A. Oh, no.

Q. How did you go about getting them? A. The deputy and superintendent went to people; for instance, the New York Manure Company furnished some carts; we had no reserve in our department, and the response could only be made as the result of solicitation and of personal notice of the necessity; in other words, wherever we could get a horse and cart we got it, and I regret very much to say that it was very difficult to get the number we wanted.

Q. What was your full complement of men on the streets at that time, not counting the hands who were hired for that particular service? A. About 350, of sweepers you mean, laborers?

Q. How many blocks are there in the city? A. Now, that I can not give you, how many blocks there are in the city; I haven't it in mind.

Q. Let me get at it in this way; do you clean any of the streets in the annexed district? A. Do you mean above the Harlem?

Q. Yes. A. Whatever paved streets there are there we clean.

Q. How many miles of paved streets are there there? A. Between eight and nine.

Q. That is one district, is it? A. No; that is split up into four districts; five.

Q. How many men in each of those districts, in the twenty-third and twenty-fourth wards? A. Do you mean including horses and carts?

Q. No; I would like now to get the sweepers? A. Well, there are from three to five broom men, according to the necessity; anywhere from three to five carts for the collection of ashes and garbage.

Q. And there are five districts? A. There are five districts.

Q. Those five districts then would divide the nine miles into about how many different parts? A. I gave you the division the other day; talking of paved streets in the annexed district, as an indication of what the department has to do, is hardly quite the division for that section.

Q. I am talking about sweepers, now, alone? A. I understand.

Q. How much time does a sweeper have to waste in any one district in going from one paved street to another; to get at that let us take some one district; give us the boundaries of some one district? A. He works right in his district; [to an attendant] if you will go across and get one of our divisional maps I will point out to the gentleman what he wants.

Q. I want, when that map comes, to find out, if I can, exactly what mileage, or proportion of mileage of sweeping, there is to each man for some particular given time for the purpose of seeing what would happen if the work was done on the block system? A. I will give you that in this way; we have been carrying, since I went into the office, I think, an average of about 345 or 347 men; I can give you the figures exact.

Q. As sweepers? A. As what we call broom men, hand brooms; I can give you that exact [referring to paper]; there were 327 for 1880, and there were 425 in 1889; now, we have 360 miles of paved street.

Q. South of the Harlem? A. No; about 352; that includes all the paved streets in the city; about 360 and a fraction; that gives, as you see, less than a man to a mile, but our work is not done wholly, of course, by broom men, they are employed, as a rule, in the making of what we call a gutter scroll, that is a ridge of dirt which the sweeping machine leaves on either side of the street, is brought into piles by these men, and the carts, as soon as the equipment of the department will permit them, come around and collect this matter after it is brought into these piles.

Q. The basis of your work, then, is machine work, is it? A. Yes, sir.

Q. Whose machines do you use? A. Well, I found those of the firm of Chapman & O'Neill principally in use when I went into the department.

Q. How many of them were there when you went into the department? A. Double and single, a little over fifty, but most of them were worthless.

Q. Most of them were worthless? A. Well, comparatively speaking.

Q. Was that because they had been used so long? A. Yes, sir.

Q. Worn out? A. Yes, sir.

Q. How many of them were in fair working order? A. Well, with continuous repairing we could work about two-thirds of them; with continuous repairing.

Q. Would those two-thirds which you worked do their work when you did work them? A. Comparatively; yes.

Q. Comparatively? A. Comparatively.

Q. Would they do their work satisfactorily? A. Not to my satisfaction.

Q. Would those machines actually, in an unevenly paved street, sweep up all the dirt or take it off the surface of the stones? A. So far no machine has been made that will do that.

Q. Now, would they do it on the evenly paved streets, take the most even of all, the asphalt? A. No.

Q. They wouldn't even do it on the asphalt? A. No.

Q. So that they would not even clean or polish asphalt pavement? A. No, sir.

Q. Then, of course, they would not do it on Fifth avenue or Broadway? A. It is not the best method of cleaning streets, there is no question about that.

Q. They were hopelessly useless then on what remains of the cobble pavement? A. Absolutely, sir; absolutely.

Q. How much cobble pavement remains in the city? A. I don't know; I don't think the quantity is very great.

Q. I will get that information from the department of public works? A. I have that somewhere, but I haven't it in my head; I would only be answering generally.

Q. Now, you say the system of machine sweeping does not work, as the result of your observation? A. I will tell you frankly that my own preference is for what we in the business term the block system of street cleaning; I have so said all along.

Q. Tell us why the machine plan does not work; is it simply because it does not do its work at all satisfactorily, or because it does not do its work satisfactorily or economically, which of the two? A. It is the question of economy, but there isn't any machine broom that will get into a crevice, that will work into the holes, or work into the interstices that there may be between blocks of pavement, and as to asphalt pavement, that has so smooth a surface that it is absolutely impossible to get a machine broom that will work with it softly enough, gently enough to get the dirt taken up without making a great deal of a nuisance.

Q. Do you sprinkle your asphalt pavements before cleaning them? A. As matter of fact we are shut off from sprinkling at this season of the year.

Q. Because it makes it icy? A. I don't know what the reason is exactly.

Q. Who gives that order, the department of public works? A. The department of public works; that is something that is entirely without the jurisdiction of the street cleaning department, and it is con-

tinually in receipt of all sorts of complaints and abuse from citizens, from the fact that it is assumed it has everything to do with it.

By Senator FASSETT:

Q. Your department has absolutely nothing to do with the permits for street cleaning and have no control over the process of street cleaning? A. No, sir.

Q. Which department has? A. The department of public works.

By Mr. IVINS:

Q. On these asphalt pavements if you attempt to sweep them without sprinkling them you simply redistribute the dust and dirt? A. Yes, sir.

Q. If you attempt to sweep them by machine after they have been sprinkled you simply redistribute the mud? A. That is a fact.

Q. So that with the machines the attempt to clean the asphalt pavements and keep them thoroughly cleaned is impossible? A. I think so.

Mr. IVINS.—I want to say this to the committee; since this question came up I have been examining records and reports on the condition of the streets of Paris which are mainly asphalt pavements and I find exactly the same cause of complaint exists there and that the only thorough sweeping that they can get on those pavements is through the use of hand power, that the machine does not do it to their satisfaction any more than it does to Mr. Beattie's.

Q. Have you ever made a study as to how successful a machine works in Washington which is also an asphalt paved city? A. Well, not directly; I had fortunately the benefit of the experience of Captain Greene, who had a good deal of experience as an army officer in Washington, on that question, and who is now identified with the Barber Asphalt Paving Company; he gave me some suggestions when I went into office and assured me of the impossibility of doing the work to the satisfaction of the citizens of this town in the way the department of street cleaning were doing it.

By Senator FASSETT:

Q. There were fifty machines? A. We had fifty-six or eight but about one-third of them are practically useless.

Q. How many in number would you say were useless? A. About twenty; when I say useless, our mechanics are kept repairing them from day to day; some would come in at night.

Q. So that you never had more than two-thirds of them in use? A. Well, we kept them in use.

Q. That was a delusion, a subterfuge? A. We could not do otherwise.

Q. I don't say that you could help it but it was really making a show rather than doing a job? A. I have spent all the money that was there for new stock, and I think we have purchased some eight or ten; no; about six or seven since I went into office.

Q. What machines were those? A. Well, I saw one which I think Mr. Loomis had agreed to purchase from some representative of some house in Liverpool or Manchester or London, and the man spoke so highly of the machine, it being principally of iron and easily kept clean, and having understood that some private contractors also spoke well of it, I ordered two or three more of them; I think we purchased four a few days ago.

Q. What did you give for them? A. Four hundred dollars apiece.

Q. One or two-horse machines? A. Two; just what we are paying to the Chapman & O'Neill Company; I think the same price; and a few days ago I ordered some machines from Boston.

Q. Are they actually any improvement? A. Well, based on the information given me by those working for the department, I think they are; I know that since we invested in them the firm of Chapman and O'Neill, have been exerting themselves to turn out something which will excel them, and if they do, of course, we will purchase them.

Q. How many have you just ordered from Boston? A. Well, we got two which were in the exhibition, delivered a few days ago on the condition, at my request, that we should have not less than a month's trial of them; as the funds of the department were low I did not want to charge this year's account for new stock up as against those machines; we are still trying them, but I have no doubt we will buy them, we will get them cheap.

By Mr. IVINS:

Q. If you don't believe in the machine system why do you go on buying machines? A. We have got to work on systems that are furnished and imposed upon us until we are given the wherewith to get something else better.

By Senator FASSETT:

Q. You mean systems that impose upon you? A. Yes, sir.

By Mr. IVINS:

Q. This system is not satisfactory to you, is it, the existing system? A. Never has been; I think of all city departments in the city the street cleaning wants reorganization.

Q. You have been working to get it satisfactory? A. Yes, sir.

By Senator FASSETT:

Q. Is it true of a new machine as it is of a new broom, that it will sweep clean? A. Well, apparently not.

By Mr. IVINS:

Q. What impediments have been thrown in your way in the reorganization of the system? A. Well, I can't say that any impediments have been thrown in my way; the impediments are there.

By Senator FASSETT:

Q. What are they? A. They grow out of years of following a course that is based as it seems to me rather upon the interests of individuals than upon general public interests.

By Mr. IVINS:

Q. Are these things that you are speaking of now questions of the internal organization, methods and system of the department itself; that is all I want to get at, so far as the external things are concerned we will come to those later? A. Well, it seems to me that any influence which bears upon the work of a department, whether with reference to the actual physical thing that the employes have to do or bears upon the character and quality of the personnel, is as much of consequence internally as externally; my own impression is as to the street cleaning department the public at large is as responsible as the gentlemen who have been trying to run the department; there has been no attempt it seems to me made in good faith to put the department of street cleaning, at any time, upon such a basis of business organization as has been attained in respect for instance to the police and with the fire department, both of which are considered to be effective; they at least do their work

Q. What people do you refer to? A. The whole community; the whole community.

Q. Well, now let us take the official end of the community; what part of the officials of the community are concerned in making that reorganization impossible; you said a moment ago, in your answer, if the stenographer will please read it.

[The stenographer here read the portion of the answer referred to, as follows: "My own impression is, as to the street cleaning department, the public at large is as responsible as the gentlemen who have been trying to run the department; there has been no attempt, it seems to me, made in good faith, to put the department of street cleaning, at any time, upon such a basis of business organization."]

Q. "Attempt made in good faith," by whom? A. Well, starting with those who initiate, I presume, the introduction of bills in the Legislature, I presume in this town, and working right from that down in the department.

Q. Then, when you say no attempt in good faith, you don't mean to say no attempt on the part of the public at large, because there is no way for the public at large to make an attempt, is there? A. I will explain now, frankly and perfectly, what I mean; I do not think it is possible to have specklessly clean streets without having a reasonably permanent force as well as a permanent pavement; I think one is as essential as the other; when you return to this question of hiring of carts, you will see plainly that it has been, however willing the head of the department might be, an absolute impossibility to get a reasonably permanent force.

Q. Have you a reasonably permanent force in your broom men? A. No; certainly not; with the exception of the clerical and supervising force of the department, we have no reasonably permanent force.

Q. What ought to be done in order to enable you to have a reasonably permanent force? A. Well, the department, as I say, must be placed upon such conditions as to its force as other departments are placed upon; that involves, it seems to me —

Q. Well, tell us specifically what you mean; do not leave it for us to make the comparison, but tell us just how you would go about it? A. I should have my men selected with reference to their ability to do a given work for which they were employed, and establish the rule that, except for a good business reason, they should not be parted with as long as they attended to their work.

Q. Have you not full and complete power to do both of those things now? A. No, sir.

Q. Why not; are you by anything known, either to the law or society, compelled to employ a man who is not fit to do his work? A. No.

Q. Nevertheless, there are men in your force now who are not fit to do their work, aren't they? A. I did not say that; I trust that I shall be met, in the putting of questions to me, with the same absolute frankness with which I want to answer the questions.

Q. You shall be? A. I understood you to say affirmatively that there were such men.

Q. No; I asked you the question? A. It seemed to me that that was the deduction; I will give you an illustration of what I meant in my previous answer: During the snow storm that we had on the third of December, the department wanted not less than from 250 to 500 carts; if it had been possible for the department to get them, it would

have employed them, and thus have avoided much complaint that for a day or two was a consequence of not having been able to employ them.

Q. Why were you not able to employ them? A. They were not to be had.

Q. Not to be had? A. The department had no reserve force; it has no plant.

Q. Would you suggest having a reserve force of men in the department for the purpose of meeting such occasional exigencies? A. That would not be necessary; this is a question rather of carts than men; it would not be necessary if the department had a plant, as to which, there should certainly be some surplus for emergencies; in that case the entire force could be turned the particular emergent condition, with a view of removing it; it simply has not that now, and it had to beg and borrow as much as possible; the ordinary amount of money asked for a horse and cart by day was asked for the hire on that occasion by night; there is an impediment that it seems to me the possession of a suitable plant would overcome.

By Senator FASSETT:

Q. That is, a reserve force of carts and tools of all kinds? A. Yes, sir.

By Mr. IVINS:

Q. Now, what other impediments are there? A. Well, one of the principal ones which I have found to the keeping of men permanently, that is, while they attended to their duty, seemed to grow out of the fact that I was compelled to place a larger portion of the force on short time, reduce the hours of labor in order to come within the appropriation; that is, instead of the men being employed eight hours a day, I was only able to employ them six, and not understanding the reason for that, there was a disposition for a short time to embarrass the office, to embarrass the department; you certainly can not get as good work out of men if you only employ them four days in the week.

Q. It is equivalent to saying that you are only doing three-quarters of the work? A. Yes, sir.

By Senator FASSETT:

Q. You don't do that much; if men are ugly because they are only employed six hours a day, they won't do as much work in these six hours as they would ordinarily in four? A. That is true.

Q. What other impediments are there; both these latter impediments are impediments of the board of estimate and apportionment, aren't they? A. Yes sir.

Q. Want of means? A. Yes, sir.

Q. Now, what other impediments are there? A, Well, I don't know of any other, except the custom that has obtained in connection with the department in reference to the selection of its employes and the removal of them.

Q. Tell us what that custom is? A. Oh, to have men appointed and removed principally at the whim of the person who makes the request.

Q. That applies to the employes who do not fall within the civil service schedules? A. It applies to the labor force generally.

Q. Is it not a fact, Mr. Beattie, a fact for which this committee would not want to hold you responsible, or any other individual responsible, but a fact nevertheless existing in the community, and a matter of political custom here, that the laborers in your department, as well as in most of the other departments, are appointed upon the request or application of some individual, and when that individual no longer wants him to be employed, discharged upon the same request or application? A. I think there is a great deal of that; I think there is and has been a great deal of that.

Q. Do you know of any way in which the head of a department can free himself from that system, and appoint men to suit himself, and keep them as long as he pleases? A. I think that is a matter that must either be regulated by statute, as in some measure the matter has been in reference to other classes of employes, or controlled by a man who would either have his own way or drop the job.

Q. Well, in your judgment, can any man really do that work thoroughly and well, unless he has his way in that particular regard which concerns the force? A. I do not think any man can do work in any direction well unless he has control of his own subordinates.

Q. Ought you not to have the same control of those subordinates that you would if you were the owner of that department or the contractor contracting to do the job? A. I think so.

Q. Is there anything in the law which prevents your having that control? A. No.

Q. The only thing that prevents it is the customs and habits of the people, is that it? A. Yes.

Q. And in the practice which has grown up in the office? A. Yes, sir

Q. But it is a bad practice, as you admit? A. I think any practice is a bad practice which does not give good results.

Q. Will you tell us now frankly, Mr. Beattie, why you do not put a stop to it; what is there to prevent your putting a stop to it? A. Well, in the very nature of things as I found the department, and as it has been for the past five or six months, I should think, as I already suggested to you, it is impossible to get the best men when you can only work them three-quarters of the time, and consequently pay them less than they think they are worthy of.

Q. Then let me ask you this question; the practice prevails not only of employing these broom men on request, but of discharging them on request? A. Well, there is not much of that done.

Q. Have you ever discharged a man because you were asked to? A. No; I have laid down the rule that no man who came in the employ under my administration, should be removed without a good business reason.

Q. Then if you only remove for a good business reason, let us see what a good business reason is; inefficiency would be the only good business reason, would it not? A. Yes, sir; that would be, but as to all that force you certainly must understand that I haven't the time or opportunity to determine whether the men are efficient or inefficient; I leave the matter, also, entirely to the deputy and superintendent.

Q. You leave it to the deputy and superintendent, and they virtually have power to act, do they not, in regard to the broom force? A. I should sign my name to any matter of that kind, unless a question were raised; I mean on the recommendation of the superintendent or deputy, unless the question were raised that a man was to be removed without cause.

Q. It is very apparent from your testimony that you would not treat this service purely and simply as political patronage, but you appoint a deputy who has the power in the first instance and on whose recommendation you feel justified in acting or otherwise; now, do you know whether such deputy treats the employment or dismissal in the service as a political matter? A. I don't know that he does.

Q. Who is your deputy? A. William Dalton.

Q. He is a member of Tammany Hall, is he not? A. So I understand; I know that he is.

Q. He served a term in the Legislature, in the Assembly? A. Three terms, I think.

Q. What was his business before he went to the Assembly? A. I think he was in the wholesale meat business.

Q. A butcher, was he not? A. Something of the kind.

Q. Was he a leader of a district in Tammany Hall? A. I don't personally know; my impression is that he is a member of their principal executive committee from the fifteenth Assembly district.

Q. Is he not the Tammany Hall leader from the fifteenth Assembly district, and, as such, a member of the Tammany Hall committee on organization? A. As we ordinarily talk about leadership.

Q. As we have understood it in this investigation? A. Yes, sir.

Q. So that he is just as closely allied to the heart and center of Tammany Hall as any other district leader in the city, so far as place in the organization is concerned? A. I judge that the closeness of any man to the center of an organization depends very much on the man himself.

Q. I mean so far as it is possible by official position to create it? A. Yes, sir.

By Senator AHEARN:

Q. In connection with that, has he any power to appoint a man? A. No; unless I am absent.

Q. Has he any power to remove a man? A. Well, I should recognize his action, unless there was cause to set it aside.

Q. Have you ever removed a man at his direction, or under charges preferred through him? A. Yes, sir; as a matter of fact, I have preferred a great many complaints to him.

Q. After fully investigating them? A. In every case.

By Senator FASSETT:

Q. As a matter of practice you refer the whole thing to him, do you not? A. Substantially.

By Mr. IVINS:

Q. So that as a matter of practice, Mr. Dalton has command of that force? A. Well, in reference to the clerks, to the supervising officers I have taken a personal active interest in them and when a complaint is made against any of them, if it is more than for a trifling cause, my habit is to have the complaint made in writing; if I had the time I would investigate it myself, but as a rule I refer such matters to the deputy; the officer complained against has a hearing, a chance to make his explanation, and a record is kept and the result in the shape of a report, and sometimes a recommendation made to me; I go over the papers myself and make a thorough examination in such cases; as to the labor force, the question of hired carts, why life is too short to do it.

Q. Life is too short, but the system is very difficult, the job is a very hard one; let us get right to that; you say life is too short to do it, but if it is not done the service will suffer? A. Yes, sir.

Q. Then it must be done by somebody? A. Yes, sir.

Q. Life is too short for you to do it and you leave it to Mr. Dalton? A. I don't see any use of a deputy unless he has some duties to discharge.

Q. Do you suppose it is possible for the most efficient man in service who holds a broom to-day, to stay in the service of the foreman of his district or precinct if your deputy did not want him? A. I do.

Q. How would he manage to stay in if neither of them wanted him? A. If he came and made his appeal to the chief, the chief would see his deputy and he believes his deputy is a man who is subject to reason, and would not do as far as he has had any experience with him a thing of which an honorable man would be ashamed.

Senator FASSETT.—That is always assuming these men are actuated by the highest possible motives.

Q. It also puts you in a position of a petitioner to your own deputy? A. Oh, no; I think not.

Q. Have you any idea what the average ages of the men in your employ are, on the broom force? A. No.

Q. Are they young men or old? A. If it went over 45 I should be surprised.

Q. Are they weak men or strong? A. I saw most of them paid off here last week and I think with about ten or twelve exceptions they were all men who were physically able to do their work.

Q. Then the question arises as to what is their work; I will give you this illustration and ask if you have seen the same thing; I came down Ninth avenue and saw a squad of half a dozen men there and I would swear that there was not one of them that had enough physical strength to polish the stones with his broom, that is to actually get the dirt off the stones, and I stood and watched them for ten minutes and they did not get it off, and I think it is because they were not strong enough, have you seen any such thing as that? A. What time of day was it?

Q. It was early in the morning as I was going down to my office, about 9 o'clock; are your men so old that they get weak towards night? A. Most men who have hard work to do get a little weary towards night, but if men were working all night or had to start in very early in the morning they might be perhaps even at 9 o'clock.

Q. How would you explain a circumstance of that kind, and have you, to your knowledge, seen anything of that kind? A. I have seen two or three men I did not think ought to be retained in the service and have immediately reported them to the deputy or superintendent and they have been withdrawn and other men put in their places; they were not all new men.

By Senator FASSETT:

Q. Did you do that in the case of the ten or twelve exceptions you noticed the other day? A. I called attention to it.

Q. Have they been discharged? A. That was the order; I have no doubt it has been obeyed.

Q. Did you make twelve orders? A. No, sir; the superintendent was there at the time

By Senator AHEARN:

Q. Is it not a place for an old man; can you get a young man to do the work? A. There has been a popular impression that it was a place for old men to apply for work, but the percentage of old men in the department at the present time is comparatively small.

By Senator FASSETT:

Q. What do you mean by an old man? Well, take a man about sixty; for that purpose I would call him aged; and when I referred as I did to the ten or twelve I referred rather to the ages of the men than anything else.

By Senator AHEARN:

Q. Has it not been your custom for the last ten or fifteen years and for your predecessors to hire old men to clean the streets? A. I have not known that to be the custom but it has been the practice of the public to so regard it.

By Senator FASSETT:

Q. Is not that one reason why it costs you so much money to clean the streets; you have so much aged talent on the force. A. I think the percentage of it is very, very low, and I don't think there is enough of it to make any material difference.

Q. You would not attribute it to that? A. No, sir.

By Mr. IVINS:

Q. Is not this the fact, that that department has been used for the purpose of finding employment for men who practically could not get employment anywhere else — very largely so used — because of age

or decrepitude? A. That has not been the case since the seventh of April, and I must speak only of my own experience.

Q. Was it the case prior to the seventh of April, so far as you know? A. That I can not tell; I never asked anybody to employ a man that was not fit to do the thing that I asked him to give the man employment at.

Q. What is your rate of wages per day, paid to these men, these sweepers? A. Twenty-five cents an hour while actually employed.

Q. So that for eight hours work, they get two dollars a day? A. Yes, sir.

Q. That is as much as a car driver gets, is it not? A. It is more than some get, I understand.

Q. And a car driver works a great many more hours a day than a sweeper? A. Yes, sir.

Q. And the work of a car driver on a Broadway car, is quite as trying and exhausting as the work of these street cleaners, is it not? A. Well, about that; I sometimes thought a car driver's work was a very wholesome work.

Q. What does a laborer get who works with a pick? A. In which department?

Q. In the department of public works, say? A. I think the compensation is about the same.

Q. About two dollars a day? A. Yes, sir.

Q. Do you know what a hodcarrier gets? A. Some of them get two dollars and fifty cents, or they did get that; I don't know what they get now.

Q. This work is not really any harder than several other classes of work done by laborers for the same amount of money, is it? A. It is not any harder, but there has been an impression that the work is menial and of a degrading character, and I think that that has been one of the great drawbacks to getting a thoroughly efficient force.

Q. Younger and stronger men? A. I say they have a feeling that to be identified with the street cleaning department in such a capacity is degrading.

Q. Now do you conceive of any way of removing that feeling; I agree with you that it is probably one of the chief deterrents from getting the right service? A. You have got to organize the business on a higher plane.

Q. Well, if it were organized on the block system, would that be organizing it on a higher plane, and be conductive? A. I think very much; you see a man on a wet night, mud flying, driving a sweeping

machine, gets spattered all over his body and his clothing v
and that man has a sense of degradation.

Q. And of smell? A. Yes; he has; and to get the very l
of *personnel*, the wages for such work should be higher
other work that is not as offensive; of course, within reason
tation, the force should have as much certainty of employme
head of the department; in all that I have said, I want
thoroughly understood that I do not think that any man h
to an office in the sense that it is his personal property;
think that the head of a department should be able to carry
force with him as long as he happens to be in office; what
may do that may come in after him, I don't know, and, of
don't personally care.

Q. While we are speaking of these wages — you said a
that you had employed, through a certain Italian here, a n
men; they were chiefly Italians, were they? A. Yes.

Q. For these recent storms? A. Yes, sir.

Q. Did they receive the same rate of twenty-five cents p
A. No.

Q. What did they receive? A. They would have, but we
pay them $1.50 a day; we did not get as good work out
that is, they were furnished at that rate for the eight hours.

Q. Did they draw their own money? A. No; they were
us in a bunch, and a bill was put in.

Q. And you paid so much per diem for them on the bills?
we could not help ourselves.

Q. Do you know what they actually received; did they rec
than dollar a day? A. I don't know what they received.

Q. Did you take any steps to discover? A. No.

Q. I want, if possible, to find out what the contractor for s
that labor was able to make out of that particular job at the
of the city, without imputing any fault to you in the premis
A. I do not see any way of getting at that except by subpœn
asking him.

Q. Now, we have these maps here; let us go back to the
of organization, which we were discussing some time ago
there are nine miles of paved streets in the annexed distric
ought to be down here [referring to map].

Q. Take the annexed district first? A. There are three m

Q. You say there are nine miles in the annexed district
streets? A. Between eight and nine miles of paved streets.

Q. Of this eight or nine miles of paved streets, how many
in the fifty-fifth district, which runs from the river north, bo

the east by St. Anne's avenue, on the north by One Hundred and Fifty-third street, and on the west by the river? A. I can only give you the area; I can send for the map clerk and give you the miles of street in each section.

Q. I don't want that? A. Pardon me; you asked me a question and I want to answer intelligently; there is in each of these section numbers an area of 171,904 square yards of surface — we are dealing with surface — and that is what would average up to the number of fifty-eight; then there are three or four sections, because of the limited street cleaning to be done, which have not been divided, because one foreman will take charge of two districts.

Q. Do you clean any other streets than the paved streets in the annexed district? A. No; we do not clean any other than the paved streets anywhere; that is the fact, notwithstanding the terms of the law here making no distinction between them and macadamized roads —

Q. But, as a matter of fact, you only cleaned the paved streets? A. It has been held by the corporations from Mr. Whitney down to the present one, that we have nothing to do with anything but the cleaning of paved streets.

Q. And, as a matter of fact, there are only between eight and nine miles of paved streets in the annexed district? A. Yes, sir.

Q. Then does it not follow, as a matter of fact, that the area of the district has nothing to do with the problem? A. No.

Q. I am talking about the annexed territory? A. You take an exception; I give you fifty-eight districts in which the unit of division exists, and you refer me to a case which is not included in that; now, I will answer any question with reference to the exceptional cases that I can.

Q. I want the exception; I will come back from the exception to these other cases — and I took the exception for this reason, that nine miles of paved streets in the annexed district are divided among several precincts or districts for street cleaning purposes? A. Not for street cleaning purposes, except in the wide sense of the term because street cleaning involves the collection of ashes and garbage; it is not the mere sweeping of the streets; they have to go through the territory and follow up every land.

Q. Street cleaning for the purpose of sweeping; that was our point of departure; we were asking about the number of broom men? A. All right.

Q. Now, have you any means of telling how much of that eight or nine miles of paved streets is in the fifty-fifth district? A. I haven't

that here; I will send for the map clerk and the books and give you the facts as they are to-day, or read them over and see what I want.

Q. I think, Mr. Beattie, that you could approximate it? A. I would rather not do it.

Q. There are the fifty-fifth and fifty-sixth [handing map to witness]? A. You want exact information about this, and I prefer to give you exact information; if you will take any section, I will give you the information.

Q. You can bring in to-morrow a statement of the number of miles of paved streets in the fifty-fifth, in the fifty-sixth, in the first, second, fourth, twenty-first, thirty-second, thirty-ninth, fourty-fourth and fifty-first districts; that scatters them all over the city? A. Yes, sir.

Q. Now, your organization, of course, would not be as large for the fifty-fifth as it would for the thirty-ninth, would it, or for the sixth? A. No; you take downtown, we have double or three times the number of men and horses and carts employed as we would have in the annexed district or further uptown.

Q. Well, take this district, which is the thirty-ninth; would you have the same number of broom men in that district that you have in the fifty-fifth? A. No; as for sweeping purposes, that depends upon the number of miles of street; the collection of ashes and garbage depends upon the number of residents there are, and we assign out of the aggregate number of men that we have to dispose of, and horses and carts, that number which we think will keep a given section in fair condition.

Q. Well, are those assignments made then on the basis, so far as ashes and garbage are concerned, of houses and residents, and so far as the sweeping is concerned, on the basis of mileage? A. Yes, and the knowledge of the character of the inhabitants.

Q. Then there is not necessarily numerical uniformity in your district force at all? A. Not in the district force; the area is only on the ground that the supervising foreman can cover that area two or three times a day, in the first place; the next thing was to give him our view of the matter, from the residents in the section or district, and the length of paved streets to be cleaned, whatever may be necessary based upon that knowledge and our experience; and finally, the whole thing depending upon what money we have to do the work with.

Q. Now will you tell us what you mean by the block system? A. Well, it is the system in which street cleaning purposes the work should be done by hand labor, so far as sweeping is concerned alone, and the matter swept together, collected and carted away as it is

swept into piles, giving the sweeper a length of street perhaps not exceeding from 750 to 1,000 feet.

Q. That is, say not exceeding the block distance between avenues? A. Well, you don't need as many as that.

Q. Between avenues? A. Yes; about that; in other words I think—

Q. The avenue block being twice the length of the ordinary street block? A. I think with about five men to a mile, the streets of this city could be kept clean — say five men and the carts following up, you could satisfactorily work.

Q. That is more than five times the number of men you now have? A. Yes.

Q. Then you are a good way off now.

By Senator STEWART:

Q. I would like to submit this to Mr. Beattie, as an estimate, and ask him what he thinks about it; in the first place, there are about 315 miles of street? A. Yes, sir.

Q. And about twenty blocks to the mile, making $7,300 blocks, and placing one man in charge of every four blocks to attend to the sweeping and garbage, it would take a force of 1,800 men, and if you could employ those men permanently, could you get them for $500 a year each? A. Well, I do not think, with the cost of living here, you can get good, reliable, sober men, to be regular in the discharge of their duties for less than two dollars a day.

Q. As it is to-day, there are 313 working days for men, and they get two dollars a piece, as I understand it.

Senator FASSETT.— But they do not get 313 days.

The WITNESS.— I might say that under a proper adaptation of the block system, it would involve work on Sundays as well as other days of the week, because I have very frequently seen cases where they swept on an avenue late on Saturday afternoon, and the next day, if there was a high wind blowing, the street would be very dirty; it would require some work on Sundays — I should say not less than a third of the men.

Q. Then you think $500 a year would not be sufficient salary? A. I do not think you can get good men for less than two dollars a day.

Senator AHEARN.— And that is little enough to pay them.

The WITNESS. — It seemed so to me.

Q. How many days average do these men get that are employed for two dollars a day during the year; how much do you suppose that any one man has got from your department of street cleaning during the course of twelve months? A. Oh, I think —

Q. Do you suppose that any one man has gotten $500 a year from your department—$500 in one year? A. Oh, yes, sir; we have men who have been there for some twelve, thirteen or fourteen years; I mean in connection with the street cleaning department.

Senator FASSETT.—They are not broom men, are they?

The WITNESS.—Broom men, yes; I have been surprised to find what a sprinkling of men there are in the department in this line of employment who came over from the old police department or who were formerly in the employ of contractors; whether it be because after getting into this business they can not get other work or not, I don't know; but that probably would have some effect.

Q. Well, at $600 a year? A. At $600 you would get good men.

Q. And a force of eighteen hundred men at $1,600 a year would make $1,080,000 for sweepers alone. Now we come to the final disposition, the taking of this refuse twenty miles out to sea; that costs about a quarter of a million of dollars a year; then we come to the cart service—A. I might say as to the question of final disposition, that I have been satisfied, both before and much more since I went into the department, that the matter is one that should be taken up and disposed of in a manner entirely different from which the present system obtains and has obtained, and it is a question that is fraught with a great many vexations; we are subject at any time during the fall of snow, which would continue for two or three days, to be tied up here without any place to store the ashes or the garbage, and in the summer and spring of the year it is pre-eminently difficult to get rid of the collection; I am simply telling you what exists; I do not say that the conditions are incident to the disposition of the matter at sea or elsewhere.

Mr IVINS.—Let us suppose that we continue the present system of disposing of it at sea

Senator FASSETT.—Senator Stewart has not got through with his estimate.

Mr IVINS.—We will take up the question of cremation, of burning that stuff later.

Senator STEWART.—I only wanted to get—as you were on the question of individual workers for a certain number of blocks—I only wanted to get at exactly how much more money the city would have to pay the department in order that Mr. Beattie should have the ability to carry out the management of his department under the method that he thinks best. The cart service last year, Mr. Beattie—

The WITNESS.—For the year it will be about $72,000

Mr. Ivins. — Four hundred and eighty-one thousand five hundred and sixty dollars up to December first of the present year — for eleven months.

Senator Stewart. — So that if you spent $480,000 in eleven months, about $525,000 would be a fair average for twelve months.

By Mr. Ivins:

Q. On this basis, you would have to have a larger carting force, because you would allot your men to certain precincts to cart up the sweepings of certain sweepers? A. You would probably have an addition — yes; you certainly would have — you would not have any addition; $525,000 would be an abundance of money to make the collections of ashes, garbage and street cleanings, and make the collections in the manner indicated by the Senator, if the city were provided with suitable carts or trucks; the present method of carting is absolutely wasteful.

Q. You have to cart over and over again, don't you; you start off with the load and you sprinkle it through the streets as you go along? A. Not only that, the quantity taken, the capacity of the car, as well as its build, has very much to do with the question, and as much as any, the collection of an ordinary day's work of a horse in that department employed in the collection of ashes and garbage — it has to traverse from fifteen to seventeen miles, and making over 300 stops; you can see that it would be better to reduce the number of times it has to go to the dumping place.

Q. Your cart service is $525,000?

Senator Stewart.—And the clerical force?

Mr. Ivins.— I will give you that figure.

Q. The administration for eleven months has been $109,614; it will be $120,000 for this year, say? A. You can not go beyond $118,000; that is why I asked that fourteen per cent reduction.

Q. One hundred and eighteen thousand dollars is the administration account?

Senator Stewart.— But the clerical force?

Mr. Ivins.— That does not touch the account of sweeping, the account of carting that touches the clerical force and the commissioner himself, and his deputies, superintendent, the foremen and the inspectors. Now, there will be a necessary increase in foremen and inspectors, won't there, over the present system?

The Witness.—There will be a necessity for a foreman for each of those divisions.

Q. For each division of four blocks? A. No; I do not think there would be any need.

Q. You would not need any more foremen than you now have? A. I might require an assistant; I think the men will work — I think a street sweeper will do his work, if he be a proper kind of a man, just as much as a commissioner of street cleaning; I do not think he needs to be watched all the time, if you get a good man.

Q. As a matter of fact, many of these men are just as competent and honest as the men who watch them, are they not? A. Undoubtedly, that is true.

Q. In some cases, more so, are they not? A. You come to that question of comparison all the time, you know; I don't know as there is any very well defined standard about those things.

Q. Let us see what it is going to cost for additional administration here; certainly there has got to be a new series or system of reports kept, and some reorganization of office, has there not, as incident to this? A. That would not add to the expense; that is only —

Senator FASSETT.— That is only change of form.

The WITNESS.— That is all.

By Mr. IVINS:

Q. You do not think then that the administration, and everything that is now covered under that item, would exceed $118,000 or $120,000? A. I do not think it would be over — what I have asked for the next year would about cover it — at least, what they have said they would give; $132,000, I think; I ask them for a little more.

Mr. IVINS.— Then, Mr. Stewart, we would have to add to that about $12,000 for this item?

Q. Now, what would it cost more for the removal of snow and ice under this system — that exceptional removal of snow and ice, which has cost all the way from $12,000 to $31,000 per annum during the last eight years? A. I think the cost would be less than under the present system; it would probably be reduced about one-third, because, if we had that number of men spread over the city, they can very quickly answer to an emergency; the only expense there to be considered of any consequence, would be the cost of carting the snow.

Q. How many carts, all told, would you need; how much would those carts cost apiece, and how much would other new tools and implements cost for the purpose of giving the department the proper plant to work on this system? A. I think 275 trucks, of a capacity of about 126 cubic feet, would be all that would be required for carting.

Q. How much would they cost? A. The cost of such trucks, properly covered, ought not to exceed $400 apiece; I have had one made as a sample for $325, without cover; a steel body.

Q. That would require an expenditure for that item alone of $110,000 in that plant.

Senator STEWART.— For the plant?

Mr. IVINS.— Yes; for the plant of carts alone.

Senator STEWART.— The carts could be hired.

Mr. IVINS.— The commissioner says that this system won't work at all without a new plant.

The WITNESS.— You can not hire suitable carts in this town; everything is flying hither and thither through the street right from the top of our own carts as well as the hired carts, and there isn't any way of keeping it from flying; if we want this thing done at all —

Senator STEWART.— My object in making these figures is to try to find out how much money the commissioner thought he could keep the streets of New York clean for. If you put in $200,000 for plant, it would not be fair to add that charge.

Mr. IVINS.— That is entirely right. I would find out what the life of that plant would be. But I want to find out how much money would have to be given for the first year to begin with, although it is not a proper charge to be put in in one year.

Q. It would cost you, according to this statement, $1,980,000 for sweepers, for men with brooms? A. Well, if you made the calculation; it would be two dollars a day.

Q. For 1,800 men? A. Two dollars a day for 313 days, for so many men, and two dollars a day for one-third of that number for Sundays; you have not taken that in; I would work one-third of the men each Sunday.

Q. As Senator Stewart made the estimate here it would make $1,987,000 for your broom men? A. Yes, sir.

Q. Now you have asked for $132,000 for administration? A. Yes.

Q. That would not be changed? A. I think that would cover it.

Q. The cost of carting would be $525,000, you say? A. That would cover it providing you had your plant.

Q. Providing you had your plant? A. Providing you had your plant.

Q. We are assuming that? A. In fact it would more than cover it if you had your plant.

Q. You would do no work by contract at all? A I would either do this work in the way suggested —

Q. No; I don't mean that, but under this plan you would do no work by contract? A. No; except this slip of the Broadway railroad where we sweep one-half and they the other.

Q. You would have to have a snow and ice contingency fund just as you have had before? A. You can not tell what the quantity will be.

Q. And it certainly will be up to the average of the sum which has been had heretofore, and that average, as I figure it roughly, is about $25,000 per annum; your final disposition would cost you no more then than now, provided you pursued the same plan as you do now; is that correct? A. If we are left to the same methods the charge would be about the same.

Q. You probably would take up more dirt? A. Except the natural increase in the quantity to be finally disposed of; it would be so much a load, whatever the loads are; the natural increase would be about 100,000 loads a year.

Q. It cost $247,000 in 1888 to make the final disposition of this stuff; it cost $229,000 in 1889; it cost $216,000 up to date for this year, up to the first of December; a fair estimate of that would be $230,000, I suppose? A. Should not have less than $250,000; I ask for $263,000 and I think every penny of it is needed.

Q. Put in your estimate of $263,000? A. That does not provide for the keeping up of our plant.

Q. What have you asked for rentals and contingencies? A. I asked for a little over $30,000.

Q. The expenditure last year was $13,500; the expenditure up to December first of this year was $14,000? A. I asked for $30,000.

By Senator FASSETT:

Q. You have got a copy of your estimate, have you not? A. I ought to have one here.

Q. And also a copy of what the board has allowed? A. We haven't got it finally yet.

By Mr. IVINS:

Q. For our purpose, $30,000 will answer sufficiently; now, how much have you asked for for new stock? A. You make a distinction between new stock and plant.

Q. When I say new stock, I mean what it cost you year in and year out to keep your plant up and so forth? A. It is in the neighborhood of $41,000.

Q. That gives us every item except the cost of new plant, and every one of these items is an item of simply annual expenditure.

Senator FASSETT.— What does that figure up?

Mr. IVINS.— Three million, one hundred and ninety-six thousand dollars.

Q. Then in order to put that plan into operation, you would have to make an expenditure of between $150,000 and $200,000 for plant, new tools and instruments and everything of that kind, would you not? A. About $271,000 for the carts and horses.

Q. Two hundred and seventy-one thousand dollars? A. In that neighborhood; between $270,000 and $300,000.

Q. Now, we have not calculated in this what the extra cost of maintaining horses would be, either? A. Let me explain; when you get your plant, then the cost of carting would be reduced, because my suggestion was to have a truck of a capacity equal to three times that of the ordinary cart.

Q. Drive two horses to it? A. Drive two horses to it; you save the expense of one horse, one cart, and one man, and you can add a helper to your driver; you employ less carts in number.

By Senator STEWART:

Q. Giving the item of $520,000, does not that include not only the running of the carts, but the maintenance of the horses? A. The $525,000 is just about what it will cost us to have the carting done for the current year, but four-fifths of that amount would be paid out for these hired carts at three dollars and fifty cents per diem, and the balance is that which has been paid for the running of the plant which the department owns.

Q. And if the city owned its own plant, it would be a very great saving to the city? A. On the item of carting, if the city had its own plant, you would have nothing to pay for but the labor of the drivers, the driver's helper, and of course, feeding, stabling, shoeing, and so forth, of your horses; having all that plant, I should judge there would be a saving of from seventy-five cents to a dollar a day on each cart.

Q. And therefore the $500,000 which it would cost for this year would probably be reduced under this system? A. It would be reduced over $150,000 within a year after you got your plant; for the year after you got your plant, there would be that reduction in that particular item.

By Mr. IVINS:

Q. Well, with this very largely increased force of men, there would be still greater necessity for absolute non-interference on the part of politicians and the organization, would there not, and for complete

and perfect authority on the part of the head of the department? A. Well, I have no answer to make to a question of that kind; I have certainly never been embarrassed by intelligent politicians interfering; I think they have as much right to take an interest in the conduct of the affairs of the public administration of offices as men who are not politicians.

Q. You misapprehend my point; you said, awhile ago, that it was a system, which had grown up in the community, to appoint these men on the application of friends, and to have them removed on their application? A. You do not change a policeman, or you do not change a fireman; that is my point.

Q. With this still greater force, there would be a greater necessity for overcoming that difficulty, which now is in the present force, as it would be very much more difficult to overcome with a largely increased force; it would make the work of the commissioner himself much more difficult to handle the force of men under those conditions? A. Under a policy laid down, you can handle 500 men as well as 1,000; you can get at the cost of that thing by reference to the prices — for instance, the people who laid the asphalt on Madison avenue uptown, the other day, wanted six cents per foot per month; they were going to adopt the block system; I read the communication that Mr. Dodge, of Thirty-ninth street and Madison avenue, sent me, and that was the charge, six cents per running foot, which means twelve cents per lineal foot.

Q. Is that on the streets that are easily cleaned? A. Easily cleaned in the first instance, but not so easy to keep clean; you have to keep at it all the time, in order to keep it clean; I think the entire city, irrespective of pavement, should be cleaned on the block system.

Senator FASSETT.— That would be sbout $6,350 a mile?

The WITNESS.— Yes, sir.

By Mr. IVINS:

Q. That footing that I gave before is incorrect; the estimate would put $2,996,000?

The WITNESS.— I will explain why I ask for increase for rentals and contingencies; in the practice that obtains now, the department has only one stable, which is at the foot of Seventeenth street, the old market building there; the horses which haul the street sweeping machines have to traverse all the distance from that stable uptown to the park, on the east and west side, and downtown, in order to get to the point of beginning their work, and hauling, as they had to, machines which weigh from 2,500 to 3,000 pounds, they are weary

before they get through; now, I said the city ought to have six or eight stables; I did not care to ask as many from the board of estimate and apportionment as a beginner, but I asked for enough to enable us to lease three more, one in Harlem, one on the west side, about One Hundred and Tenth street, and one on the west side immediately south of Fifty-ninth street, with a view of redistributing our sprinkling carts and sweeping machines, and the horses, and so on, so as to save their energy.

Q. Might it not be possible to combine your block system with the use of sweeping machines too, so that the machine going through the streets, say a territory three or four times as large as that which is allotted to a single man under your proposed plan, he would have nothing to do but to follow the machine and pile up the sweepings, and so cover up a very much larger territory, and thus, instead of the time required to do so much of that work by hand, it could be done more speedily by machine — that is, the act of sweeping itself, particularly in certain of the streets which submit themselves more easily to sweeping by machinery? A. Ordinarily, for ordinary pavements, the machine gives fair service, but there has been and there is to-day as there seems never to have been before, an incessant and persistent clamor on the part of the public to have absolutely clean streets, and to have them all throughout the town.

Q. And all at once? A. And well, they want a good deal; now, in the lower section of the city, the business portion, the department ought to do all its work at night; the streets are not lighted to enable them to do it right; I have been down when they were working and looked at the men myself; and looked at the conditions under which they have to labor; for half a block at a time it is not possible for them to see what they are doing; all this work ought to be done at night.

Q. Will you make us an estimate of that combination system, as you think you could actually work it, by giving a man, instead of four blocks, sixteen blocks, say, to rake up the dirt in; then putting sweepers on to do the sweeping in those parts of the city where it can be done advantageously, and in those parts of the city where, in your judgment, it can not be done advantageously, carrying through your idea of a four-block system? A. I will.

Q. If you will make an estimate of that time, and then make an estimate of the cost of the plant there, we will see then what the three different plans cost us; the present inadequate plant, the block system, and the mixed system? A. I will do it.

Senator STEWART.— You must take into consideration also that there will be saving in the block system from the very fact that the sweepers by horses will be done away with.

Mr. IVINS.— I understand that.

By Senator FASSETT:

Q. Is your duty confined exclusively to the removal of ashes and garbage and dirt from the streets — sweeping the streets? A. We have to make the collections from households.

Q. Do you have to clean the sidewalks? A. No, sir.

Q. Whose duty is it to clean the sidewalk? A. The householder.

Q. And whose duty is it to see that the householder does keep them clean? A. The police.

Q. Is it not part of the duty of your department to do it? A. No, sir.

Q. Then, in instances where the sidewalks are dirtier than the streets, it is not the fault of the street cleaning department? A. Not at all.

Q. Except that the dirt may be blown in from the street to the sidewalk? A. Yes, sir.

Q. Is there any ordinance in reference to scattering papers through the streets? A. Yes, sir; there is one; it was amended since I went into the office, so as to include the throwing of paper into the street.

Q. I went up Fourteenth street Saturday evening, after work was over, and it looked like a scrap-basket of an editor. There were all sorts of newspapers and wrapping papers blowing around into sight? A. I do not know of any cause that is more fruitful of annoyance to the department of street cleaning than that habit of the people throwing loose papers and other papers on the sidewalk, but the department of street cleaning is absolutely powerless to control that; for instance, there is no ordinance prohibiting the distribution of handbills or circulars; there is an ordinance against the throwing of paper into the streets; a distributer of handbills comes along, and he thrusts one into your hand or arm; you don't even take it from him, and it falls to the ground; if you take and throw it on the street you are liable to arrest; but an individual who is the originator of the ill first caused does not come under the term of the law; only a few days ago the sergeant of the police who are detailed to look after those matters, recommended that an ordinance should be passed prohibiting the distribution of circulars; then again as to the cleaning of sidewalks — it is under the jurisdiction, as I understand, in some cities of the world, of the street cleaning force — there is no time indicated

within which a householder or storekeeper is to sweep his sidewalk, is to clean it; it is a common practice, immediately after the street sweeper passes through a block, to see servants or employes of storekeepers come right out —

Q. And sweep the dirt from the sidewalks into the street? A. Yes.

Mr. Ivins.— I have got a list of those things in the last report of the commissioner, but I thought I would take the matters up in the order in which they were brought out by the last report, and at the same time bring out the action upon those things by the several departments, showing that in some regards the department of public works is supreme, in other regards the department of police, and in other regards the health department, without the co-operation of this department, and this department is seriously crippled. I will give you an illustration of how these things can happen. I think every mayor's message for the last ten years has asked the Legislature to do something to prevent corporations in the city from taking greater and greater advantage yearly of the city. The Legislature has paid no attention to those demands of the board of aldermen or the mayor; but on the other hand, when the mayor and the commissioner of public works took steps to prevent the corporations from actually sowing dirt through the streets of the city, for instance, sand on the railroad tracks, they went to the Legislature and without a word of restraint the Legislature gave them carte blanche for doing what they pleased.

By Senator Fassett:

Q. I was just about to ask what the percentage of dirt was from the sanding of tracks? A. It is pretty hard to tell the percentage; the wind makes it 100 per cent.

Q. It is a source of a great deal of dirt, I suppose? A. Yes; Sunday, a week ago, in driving down Madison avenue, I saw that very morning, notwithstanding the asphalt had been very, very well cleaned, the employes of the railroad company were along early on Sunday morning scattering sand on their tracks, I should think, not less than half an inch deep.

Q. What is the object of that, to prevent the horses from slipping? A. To prevent the horses from slipping; but they do so on the regular pavement; I have frequently noticed that, in fact, once or twice have asked the employes to use care on Fifth avenue.

Q. And is that a matter which the Legislature has taken out of the control of the city? A. So I understand; I forget the number of the chapter.

Mr. IVINS.— Let me give you the report here, "the sprinkling of sand on the street railroad beds was another source of annoyance to the employes of this department, and a great obstacle to keeping the pavements clean;" this is the last official report of Commissioner Coleman, and the last official report of the department.

Senator FASSETT.— Mr. Beattie has not submitted any report yet, with recommendations?

Mr. IVINS.— You have not submitted any report yet?

The WITNESS.— No, sir; the commissioner of street cleaning is not under any obligation to make an annual report and does not do so; he makes a quarterly report; I have sent one to the mayor at his request.

Mr. IVINS.— This is the only report of the commissioner of street cleaning which has ever been made.

By Senator FASSETT:

Q. You have sent a report to the mayor at his request? A. Yes, sir.

Q. Does that report contain anything but statistics of the situation? A. A mere statement of what the department has done.

Q. Did you make any recommendations in that report? A. Only with reference —

Q. Is there any objection to sending us a copy of that report? A. It is simply the facts sent to him as to the business completed for the eleven months of this year.

Q. Is there any objection to furnishing us with a copy of it? A. I will ask him; I do not know whether there is or not.

Senator FASSETT.— If not, I wish you would.

Mr. IVINS.— Referring to this matter of sprinkling of sand, "the sprinkling of sand on the street railroad beds was another source of annoyance to the employes of this department, and a great obstacle to keeping the pavements clean. This was particularly the case when the sand, as is frequently the case, was strewn over the tracks not long after the street cleaners had got through their work, and had left the avenue or street in an excellent condition of cleanliness. To such outrageous proportions did this evil extend that the mayor felt compelled to make a vigorous onslaught upon the offending railroad companies. It was alleged for the companies that it was absolutely necessary to sprinkle sand in order to prevent their horses from slipping. As a matter of fact it was proved that the sand was a potent cause of the slippery pavement for the reason that when it became pulverized it polished the stones. Besides, it was shown that the sand or silica was very detrimental to the public health. The mayor

maintained his opposition with such effectiveness that on June 8, 1887, the law giving permission to railroad companies to use sand on the tracks, was amended so as to place the responsibility for such permission thenceforth on the board of health. But that did not please the street car companies. The board of health limited their use of sand to the steep grades, and then only on the rails. Accordingly, a law was rushed through the Legislature of 1888, known as chapter 560, whereby the railroad companies secured unlimited license for the sprinkling of sand. The mayor and myself reported against and denounced the measure before its enactment," but the railroad companies won.

Recess until 2.30 P. M.

AFTERNOON PROCEEDINGS.

CHARLES G. WILSON, being recalled, testified as follows:

By Mr. IVINS:

Q. Mr. Wilson, will you tell the committee the functions and duties of the health department in relation to the cleaning of the streets of New York city? A. Under one of the provisions of the sanitary code it is the duty of the health department to see that separate receptacles are furnished for ashes and garbage, and that these receptacles —

By Senator FASSETT:

Q. There is one for ashes and one for garbage? A. Yes — that these receptacles are kept within the street lines, preparatory to their removal by the employes of the street department.

By Mr. IVINS:

Q. That is the provision of the sanitary code? A. That is the provision of the sanitary code.

Q. Which is enacted by your own department? A. By our own department, sir.

Q. Confirmed by the board of aldermen? A. No, sir.

Q. The whole sanitary code is confirmed by the board of aldermen? A. Not necessary at all; we simply introduce in the board an amendment or section; it lies upon the table for one week; it is then brought up for action, and is passed by a vote of three members of the board of health; it is then published in the city record and becomes a law after two weeks.

Senator FASSETT.—Becomes a law you say; it becomes a penal ordinance with a sanction; that is, do the general statutes provide how the violation of these ordinances shall be punished?

Mr. IVINS.—Yes, they do.

The WITNESS.—Yes; oh, yes; 696, I think, is the section—[examines pamphlet] ninety-five.

Q. That same section is in the Consolidation Act, is it not? A. No; I think the Consolidation Act provides for the enactment of a section of the sanitary code, covering the handling of ashes and garbage.

Q. Section 576 of the Consolidation Act? A. Five hundred and seventy-six.

Q. Now, what other duties do you have in connection with sprinkling? A. Well, it is our duty, when complaints are made by the citizens or by sanitary policemen, or sanitary inspectors, with regard to the condition of the streets, the handling of the ashes and garbage, to investigate the same; and after investigation, if we find cause for complaint, a notice is at once sent to the street cleaning department; then, within twenty-four or forty-eight hours, we make a reinspection to find whether or not the cause of complaint has been removed.

Mr. IVINS.—Well, I will now read to the committee the suggestions made by Commissioner James S. Coleman, in the last annual report of the department of street cleaning, which will be found at the foot of page 15, running through page 16 and the top of page 17 of his report [reads]; and nothing could show more clearly the complexity of the system, and getting their complaints preferred or prosecuted, than this very matter; the committee will naturally see that there is a good deal of confusion here, and, as Mr. Beattie said a while ago, if the community does not co-operate, first, by keeping within the law, and, second, in making complaints when causes of complaint arise, the streets cannot be kept clean; how are they to co-operate by complaint by this complex process?

Q. I will take up the first of it; "When receptacles for ashes and garbage are found in the open sidewalk, between the curb and the stoop or curb line, write to the board of health." A. That is correct.

Q. That is section 95 of your sanitary code? A. Ninety-five.

By Senator FASSETT:

Q. How do you see to it, that people are furnished with those receptacles? A. This section of the code with regard to separate receptacles, is not enforced, for the reason that it would be inoperative, because if we compel the citizen to furnish separate receptacles for ashes and garbage which was all thrown into one cart and mixed together, it is simply nonsense; whenever arrangements are made by which the street cleaning department will receive the ashes and garbage separately in separate carts, then that portion or section of the Sanitary Code requiring separate receptacles would be enforced.

By Mr. Ivins:

Q. The first reason then, why it is not enforced is, because separate means of conveyance are not provided? A. Separate means of conveyance; that is, separate receptacles.

Q. There is still another cause, is there not? A. We must have the co-operation of every single patrolman of New York city; we are equipped with forty-two sanitary policemen to cover the city.

Q. You are not equipped with police force to compel the observance of that ordinance? A. We are not.

Q. Without the co-operation of the police force, you can not observe it? A. No, sir.

Q. And even if the police force did co-operate to-day, the people would not observe it, because there is no need of separating them in order that they shall be thrown right together again? A. It would simply be nonsense.

Q. Then this is a simple contradiction and a nullity? A. It is simply a nullity on its face, as far as the separation of ashes and garbage is concerned — that is, in separate receptacles at the present time; it is practically inoperative.

By Senator Fassett:

Q. Do you regulate where receptacles shall be placed with reference to the premises? A. We try to do so.

Q. That is in your power, is it? A. That is within our power.

Q. And it is part of your duty to regulate that? A. As far as we can.

By Mr. Ivins:

Q. How do you do it? A. When complaints are made to our department we make an investigation and send out an order, and very often, a great many times in the course of a year, arrests are made and parties are brought before the Special Sessions and fines are imposed.

By Senator Fassett:

Q. Do you regulate the hours at which these receptacles shall be set out? A. No, sir; we don't; that is regulated by the street cleaning department.

Q. That is for the street cleaning department? A. Yes, sir.

Q. You can simply regulate the place where they shall be set? A. That is, when ashes and garbage are set out to be received by the employes of the street cleaning department, we regulate the place and that place is within the street lines.

Q. Have you the power to regulate the kind of receptacle, whether it shall be open or inclosed, or wood or tin or iron? A. Well, that is a question; I suppose that we could pass a law or amend the sanitary code in such a way as to require uniform receptacles.

Mr. IVINS.—Colonel Prentice has been sworn and I will just ask him that question [to Colonel Prentice]: There is nothing to prevent the board from making an ordinance compelling the use of any kind of receptacle?

Colonel PRENTICE.—No; it is already provided for to be iron receptacles, but it has been enlarged, because the barrels serve the same purpose.

By Mr. IVINS:

Q. Do you make any regulation as to the time or the length of time before the coming of the carts? A. That regulation is not made by the health department.

Q. By whom is that made? A. I think by the street cleaning department; I understand that they fix the time.

By Senator FASSETT:

Q. Now, with reference to your power to enforce your own ordinances, what police have you? A. We have forty-two sanitary policemen.

Q. What is their duty? A. Their duty is complex; it is, first, to make inspections semi-annually of all the tenement-houses in New York city.

Q. And about how many tenement-houses are there in the city at the present time? A. There are between thirty-seven and thirty-eight thousand.

Q. Separate houses? A. Yes, sir.

Q. What do you classify as a tenement-house? A. Any house that contains three or more families and not an apartment-house; that is, of the first class: I understand that the Court of Appeals have determined that apartment-houses of the better class are not to be classed as tenement-houses.

By Mr. IVINS:

Q. I think, Mr. Wilson, you are wrong in that: hotels are not classified as tenement-houses but apartment-houses, like the Navarro flats or the Manhattan are. A. As tenement-houses: I think that has been —

Mr. IVINS.—I know I have —

Col. PRENTICE.—It is only hotels that are distinguished, as far as I know.

The WITNESS.—I think you will find there is a late decision of the Court of Appeals on that subject, within the last few weeks.

By Senator FASSETT:

Q. Then your police do inspect, semi-annually, just such a house as the Navarro flats? A. No, sir; we do not.

Q. You draw a line yourself? A. We draw a line ourselves.

Q. What power have you to enforce the ordinances which you pass, with reference to the matter of these receptacles and any other duty you have in connection with the street cleaning? A. If the orders are not complied with, why we can arrest.

Q. You can arrest on your own motion? A. Yes, sir.

Q. But you can not punish? A. Place the matter in the hands of the attorney and it goes before the court.

By Mr. IVINS:

Q. When it goes before the court it goes before the police justice, does it not? A. Special Sessions.

Q. Or General Sessions, as counsel elects? A. Yes.

Col. PRENTICE.— No; as the defendant elects.

The WITNESS.—As the defendant elects. Most cases go to the Special Sessions.

By Mr. IVINS:

Q. The next requirement is: "When people use improper or insufficient receptacles, and as a consequence the refuse falls on the sidewalk and into the gutter, write to the board of health;" that comes under the same provision? A. Yes, sir.

Q. And is part and parcel of the same requirement? A. Yes, sir.

Q. "When people make a practice of throwing refuse into the street, or of sweeping refuse therein, write to the board of health and the department of police." A. I think that that is covered under section 1,936 of the Consolidation Act; I think it is the duty of the police, as well as of the health department, to enforce that law; we made an attempt—I made quite an attempt— during the summer and fall of 1889, to enforce that law; I think that we arrested quite a number of people; well, it resulted in some small fines; some cases ten dollars, some five, some one and some cases discharged, and I found that it was practically impossible, with forty-two sanitary policemen, to go through with the tenement-house inspection twice a year and inspect slaughter-houses and lodging-houses and then also take care of

matters in the streets; I felt that it was the duty of the police department more than the health department.

Q. Well, as a matter of fact, you are not equipped as a police department at all, are you? A. Certainly not.

Q. You are not equipped so that you can make arrests for all kinds of breach of sanitary law? A. Because we don't know those breaches; we can not cover the city.

Q. The arrests for those breaches of the sanitary law must be treated like the arrests for the breach of any other of the laws; that is, by the police officers? A. Yes, sir.

Q. And if they fail, the system fails, does it not? A. Well, if we receive the complaints we investigate them and find them to be correct, why we —

Q. Leaving aside the question of specific complaints; don't you know the practice prevails in the city of throwing refuse and sweepings and garbage in the street on a very large scale? A. I believe it does.

Q. And the number of complaints from neighbors are extremely small, are they not? A. Comparatively few.

Q. So that if no attempt were made to stop that practice, except upon complaint, the practice would never be stopped, would it? A. You are correct.

By Senator FASSETT:

Q. Well, is it stopped, and do you have a general complaint for the abatement of any particular nuisance that does not assume large proportions? A. Well, we receive a great many complaints in the course of a year; I suppose that during the last year that we — take the sanitary police alone, made 183,000 inspections, and in the entire number of inspections that were made, possibly there were 20,000 complaints that resulted in 20,000 complaints in which orders were issued.

By Mr. IVINS:

Q. That is, 20,000 complaints by your department against offenders? A. Yes, sir; I can give you the exact number [referring to pamphlet].

Q. Before you give that number, let us clear this up; this 183,000 inspections which you speak of are inspections of buildings? A. Yes, sir; originating in our department.

Q. Inspections of fruits and inspections of meats? A. No, sir; simply inspections by sanitary policemen during the year — all kinds of inspections.

Q. Inspections of the condition of the streets? A. Everything — slaughter-houses, lodging-houses, tenement-houses, the condition of the streets; the sanitary policemen are required — each man has a district; there are thirty-nine districts; the city is divided into thirty-nine districts, and each man is required to make a monthly return as to the condition of the streets; certain men are required to inspect and report from the slaughter-houses directly; then there is the tenement-house inspection; that is, the house to house inspection which commences the first of January of each year and ends about the first of June, and commences again in July and ends about the first of December; that is the real inspection of the tenement-houses of the city; that is, except those of the first class.

Q. Now, will you give me the number of inspections of each class? A. I will, sir [refers to pamphlet]; the entire number of inspections made by the sanitary police —

By Senator Fassett:

Q. That is, these forty-two men? A. Yes, sir; up to and including the 3d day of December, 1890, was 183,052.

By Mr. Ivins:

Q. How were they classified? A. Of those inspections complaints were made and forwarded to the sanitary superintendent to the number of 8,965 — cause for complaint.

By Senator Fassett:

Q. That is, cause for complaint and then the complaint preferred by members of your department? A. Yes, sir; 1,648 complaints were made and referred to sanitary inspectors; the reason of that was this was a class of complaints that was beyond, or that were beyond, rather, the knowledge of the sanitary policemen as to the necessary steps to be taken to remedy the same; then there were 3,467 complaints that had been investigated and forwarded to the sanitary superintendent; these complaints were made by citizens.

Q. This last number? A. Yes; then there were 857 complaints made on the overcrowding of tenement houses; so that out of the 183,052 inspections by the sanitary police, 13,957 complaints were returned.

Q. That number of inspections resulted in finding so many alleged violations of the law? A. Yes, sir.

Q. What became of those cases in which violations of the law were alleged to be found — fourteen thousand and odd cases? A. Orders were issued based upon those complaints.

By Senator FASSETT:

Q. Those orders directly from your department to the offenders to correct — A. That is the case exactly.

By Mr. IVINS:

Q. In how many of those cases were the orders complied with and in how many were they not complied with and matters taken to the courts? A. Let me see if I have got the figures; 9,290.

Q. Were complied with? A. Yes, sir: suppose I give you the detailed work of the sanitary office?

Q. Well, I would rather bring that in when I come to your own department: what I want to do is to bring in so much of your departmental matters as touch on the street cleaning. A. I see.

Q. Have you with you the last monthly reports of your inspecting force on the condition of the streets? A. No, sir: but I can get them in half an hour.

Q. If you will get those so that I can have them to-morrow sometime. A. I will do so.

Q. I should like to have them to introduce in whole or in part.

By Senator FASSETT:

Q. Will they show then the answer to this question; how fully are these reports made: do they cover the entire condition of the streets with reference to the amount of dirt of all kinds, or simply whether the streets were in a healthy condition? A. Do you wish to know the number of reports made by the sanitary police on the condition of the streets; that is, not the number of reports, but the number of reports that found the streets in bad condition?

Q. No: I want to know — and the reports themselves will answer that question — I wanted to know how fully they reported? A. Well, quite fully.

By Mr. IVINS:

Q. When, in addition to those reports from your inspectors, you receive complaints from citizens, what course is pursued with regard to those last complaints? A. Referred to the board of sanitary policemen in certain districts in those cases made, and report made thereon, and if found that there is no nuisance, or the nuisance has been abated before we have made the investigation, that is the end of it; if, however, we find that the complaint is correct: that is, ashes and garbage have not been removed, or the street in filthy condition, a notice is sent to the street cleaning department, a postal card — Mr. Beattie

furnishes us with those postal cards — and then after forty-eight hours we reinspect, see whether the ashes have been removed or the garbage or the street cleaned.

Q. Now, I noticed in the *Commercial Advertiser*, of Thursday or Friday evening of last week, an editorial article alluding to the fact that a dead animal had been lying in the street for a long while, and Mr. Beattie had not removed that dead animal, and it was the fault of the street cleaning commission — ? A. That is not correct; that is the health department.

Q. Now, even a newspaper may err then as to whose duty it is to keep certain things out of the street? A. I suppose they do at times.

Q. What is the duty of the health department in regard to dead animals? A. The health department has a contract with a contractor who, for a certain specified sum per annum, payable monthly, removes all the offal from the city; all the dead animals from the streets; it is the duty of the police, the patrolmen on the beat, when he finds dead dogs, cats, horses or animals of any kind in the street, to notify the officer at the station-house, and the officer at the station-house at once telephones to the contractor or notifies the health department and the animal is supposed to be removed at once.

Q. Is there any peculiar reason why that duty should be in the health board rather than in the street cleaning department? A. Well, I suppose it was a duty that was devolved upon the health department a good many years ago; the contract was made, I believe in 1884, for a long while — ten years contract; still in force.

Q. Is there any reason why, in making the duties of the several departments less complicated, beginning a simpler system, that duty should not be in the department of street cleaning as more naturally belonging there? A. I think if the street cleaning department has charge of the streets, to clean the streets, they should take the whole work upon their shoulders; the whole work should be taken upon the street cleaning department, the whole work; but then, this special contract does not expire until '94, I think it is.

Q. This contract that you refer to touches not only the removing of dead animals, but the removal of all kinds of offal? A. Yes, sir.

Q. Butchers' offal? A. Yes, sir; and everything; for instance, meats and vegetables that we may seize, and the seizures, in the course of a year are quite large; our seizures last year amounted to over 3,000,000 of pounds.

Q. Over 3,000,000 of pounds? A. Yes, sir.

Q. Of meats alone? A. No, sir; meats, fruits, vegetables.

By Sergeant Parent:

Q. Articles exposed for sale? A. Yes, sir.

By Mr. Irvine:

Q. Why should Mr. Coleman have said that when men engaged in hauling sand, gravel, and stone in making use of bad conduct and scatter their contents in the streets, that such conduction should be sent to your department? A. I presume he was referring to section 1[illegible] of the Consolidation Act.

Q. He says "Sergeant Parent" does not make reference to the Consolidation Act there? A. We are not responsible for what Mr. Coleman may have learned proper you know.

Q. I understand that. A. I think that sand and gravel on the streets, where the streets are repaired, I think under the law, it has to remain there thirty days; that is my impression.

Sergeant Parent.—No, this is the case where men that are carrying sand, gravel, manure and other material are making?

The Witness.—Well, that is in the first place, in regard to manure, because we have the charge of the regulation of the handling of manure from a sanitary point of view.

By Mr. Irvine:

Q. Well, take a [illegible] in the street [illegible] the street [illegible] [illegible] [illegible]

[referring to the Sanitary Code]—" no lime, ashes, coal, dry sand, hair, feathers," — etc. [reads section].

By Mr. Ivins:

Q. Mr. Wilson, have you recently made any complaints to the mayor or to any other public official with regard to the condition of the streets? A. On the ninth of December a resolution was passed by the commissioners of health calling upon Mr. Beattie, commissioner of street cleaning, to remove the ashes and garbage daily, or requesting him to do so; that resolution was passed because of quite a number of complaints that have been made to the department.

Q. Complaints showing that ashes and garbage were not removed daily? A. In places.

By Senator Fassett:

Q. To what extent? A. Well, the monthly reports, of course, will show that.

By Mr. Ivins:

Q. Have you a copy of the resolution? A. Not with me.

Q. I wish you would send that down, will you, when you send the reports? A. I will; yes, sir; and you want the reports for the month, too?

Q. Yes.

By Senator Fassett:

Q. Before this resolution was passed, had you referred these complaints, or copies of them, to the commissioner of street cleaning? A. The complaints — the returns are made monthly by the sanitary policemen; each policemen — there are thirty-nine of them, one for each district; they make an inspection of the streets and make their return; quite a number of those returns show that the streets were in good condition; others showed that ashes and garbage had not been removed for a number of days, varying probably from twenty-four hours up to quite a number of days; it is the duty of the sanitary policemen, and also of the chief inspector of the sanitary bureau, to notify the street cleaning department by postal card and also by telephone.

Q. Well, was that done? A. I presume so.

Q. Do you know whether — did these reports show whether any compliance was made? A. Oh, yes; of course, we make a reinspection, an inspection afterwards, and find out whether the nuisance has been abated.

Q. Was this resolution passed because of the failure of the street cleaning department to comply with the regulations? A. The resolution was passed, not only based upon the reports for the month of November, but based upon the fact that some personal inspections were made of the streets, in the tenement-house quarter, east of the Bowery, between Grand and Houston streets, in which quite a considerable amount of ashes and garbage had accumulated.

By Mr. IVINS:

Q. Did you not express your opinion some time ago, in a published interview, in favor of the final disposition of garbage and refuse by cremation? A. I did, sir.

Q. Will you give the committee the benefit of your views in that regard? A. Well, I think that the solution of the difficulty in connection with the cleansing of the streets is, first, the proper handling of ashes and garbage, and I think that the first movement toward that would be the separation of ashes and garbage; that is, the placing of the same in separate receptacles; I think it would be useless to do so unless the street cleaning department were equipped in such a way or such a manner as to be able to handle these ashes and the garbage separately; I think that if that was done, I think that the ashes would then have a commercial value, clean ashes, and I think the garbage would be disposed of by cremation. I understand that in Jacksonville, Florida, that they have a process by which they cremate not only all the garbage of the city, but all of the night soil; that is a city of about [illegible] inhabitants about, and I am told that they are now destroying [illegible] cubic yards per day.

Q. One hundred and fifty cubic yards per day? A. Yes, sir.

Q. About how many tons would that be? A. That is of garbage alone, and that includes [illegible] there. I believe—two firms—that I understand is the Fiske system, I think.

Q. How much would a plant for cremation cost? A. [illegible] I made an inquiry with regard to the firms at Jacksonville, and I think about $8,000.

Q. How many [illegible] would be necessary, [illegible] A. [illegible] New York?

Q. Yes. A. I haven't any idea.

By Senator [illegible]—

Q. [illegible] A. I haven't [illegible] garbage as to the whole [illegible] ashes that was [illegible]?

Q. What is the reason for that? A. That is, not being able to find out the percentage?

Q. Yes. A. Well, it is impossible for anybody to arrive at that conclusion until they separate the ashes and the garbage.

Q. There are no statistics in the department of street cleaning which would show it? A. Possibly Mr. Beattie could answer that question; I examined that report of Mr. Coleman's and my impression is that I got some information — about seventeen per cent.

Mr. Beattie.— What is the point?

The Chairman.— What is the percentage of garbage and ashes?

Mr. Beattie.— It is about one-seventh — between a sixth and a seventh of the whole mass.

The Witness.— I think you told me about seventeen per cent; something like that.

The Chairman.— Less than fifteen per cent?

The Witness.— Something like that.

Mr. Ivins.— Now, the total cart loads of stuff removed here during the eleven months of this year, up to December first, were of ashes and garbage, 1,116,875; street sweepings, cart loads, 380,822; making a total of 1,497,697.

Q. Now, we confine ourselves to the first figures; don't we? A. Yes, sir.

Q. Which are 1,116,875, of which we would take one-sixth [to Mr. Beattie]; now, Mr. Beattie, how many tons to a load?

Mr. Beattie.— Forty-two cubic feet is the average cart load.

Mr. Ivins.—And what is the cubic measurement of a ton of this stuff?

Mr. Beattie.—Forty feet.

Mr. Ivins.— Then a cart load runs a little over a ton?

Mr. Beattie.— A little over — piled up.

Mr. Ivins.— Say, 186,000, or, in round numbers, 200,000 pounds; now, I call the attention of the committee to the statement on page 18 of this report, with regard to cremation abroad.

[Mr. Ivins here read the statement referred to.]

Q. Now, in any discussion of this cremation, we would have first to get at some means of determining what plant we need, and what the plant would cost? A. Well, there is a plant at Brunswick, Ga.

The Chairman.— On these figures, it would cost the city $175,000 just to cremate alone.

Q. Then all material would have to be removed to the crematory? A. Not to cremate alone; that is independent of the plant; I understand they are putting up two crematories at Paterson, for the purpose of

cleaning up the garbage there: that is a very large place; it contains 75,000 inhabitants.

Q. Have you had any offers of cremators to do this work? A. Not what I might call a positive estimate; I had some talk with the Engel people, and I suggested the propriety of Mr. Morse, the agent, calling to see Mr. Beattie: he said he thought his people would be willing to put up a crematory, provided the street cleaning department could furnish the garbage separately, of course, in separate parts, to them, and he would put it up at the cost of the company, and cremate this garbage for the length of time agreed upon, as an experiment; that, if the experiment was successful, the city could then buy the plant at the cost, which, he said, would be between $7,000 and $8,000 — I think he said, as I understand; if, however, it was not satisfactory, he would tear it down: he said that they wanted to demonstrate the fact that the garbage of the city of New York could be handled in a manner which was not offensive

Q. Now, is there any reason for cremating that, rather than taking it to sea, other than the reason of economy? A. Well, I think from a sanitary point of view it would be a good thing.

Q. You think that taking it to sea and dumping it, some six to eight miles out, if it is so dumped honestly and properly, is no injury to the sanitary conditions of this community or Long Island.

The Witness — That is if it is taken to sea, six or eight miles out?

Mr. Ivins. — Yes

The Witness. — It comes back on the adjoining shores.

Q. Then, of course, you strike another duty; that is the duty of the shore inspector to find out whether that is done; now, I call your attention to this fact: we have seen from these figures that it would cost — that is if the work were done no more economically than in England, it would cost about $75,000 to cremate our garbage? A. I have no idea what that system is

Q. The total cost of dual inspection for the same eleven months of this year is $[illegible] one-sixth of which would in round figures, be $[illegible]? A. Of course, you figure that would be the cost of the cremation of the garbage

Q. So that according to such figures as we have, it would cost about twice as much to cremate that as to take it away as it is now being done. A. Yes sir

Q. Is there any commensurate advantage to the community in that, in view of the additional cost? A. Well, it is my opinion that the garbage could be cremated more economically than it could be taken to sea. I do not think there is any question about that: I do not think

that we can take those figures from Leeds, or Manchester, or Birmingham, because we do not know anything about the particular mode of cremation they have there.

Q. Then it would be in the nature of an experiment, wouldn't it? A. Oh, certainly.

Q. And it might be a pretty costly one? A. It might be.

By the CHAIRMAN:

Q. Mr. Wilson, if the experiment should succeed you would first eliminate all that percentage of offal that finds its way to the shore, or to Long Island, or anywhere else? A. Yes, sir.

Q. You would make of the ashes, you think, a commercial quantity? A. I think they could have a commercial value for filling purposes.

Q. And they would not be dumped, either honestly or dishonestly, where they could in any way interfere with the harbor? A. Or the health of the city.

Q. Or the health of the city; the ashes might be at all times used for filling purposes, and I think for filling purposes there is a greater demand than there would be supply; don't you think I am correct about that Mr. Beattie?

Mr. BEATTIE.— Well, at this season of the year; if the separation were made at all seasons of the year for some years to come, there would be some demand for ashes for filling in. What they would bring in the market I do not know. The department has to pay for the removal of the stuff.

Mr. IVINS.— Well, it would be cheaper for them abroad.

The CHAIRMAN.— Even at the same cost, if they could remove it now it would be some advantage not to spill it out here in the Narrows.

Mr. BEATTIE.— What he claims, Mr. Chairman, that is not done at the present time.

By Mr. IVINS:

Q. When Mr. Purroy was on the stand he spoke of the fact that your department had made some regulations of recent years with regard to the manure from the engine-houses? A. Yes, sir.

Q. And that prior to those regulations they were able to have their manure removed free of cost, but under your new regulations, instead of being an item which cost them nothing, it had now become a burden; will you explain the views of your department in that regard? A. Yes, sir; the manure question is quite an old question in the health department; formerly in the city the bulk of the manure was stored in vaults under the sidewalk and these vaults were filled from carts over the sidewalk in the open streets; the first reform that was

attempted by the health department was what was considered a great reform, that is, the abolishment of the sidewalk vaults; for quite a number of years the officials of the health department have been at work to accomplish this reform; of course, it was slow work, but finally they succeeded in abolishing, with few exceptions, all the sidewalk vaults in the city of New York, except those in use, I believe, by the fire department, and they felt that the fire department, being one of the co-ordinate branches of the city government, should certainly assist in carrying out this reform and that the citizens generally were called upon to do the same; finally, experiments were made by which it was demonstrated that manure, either pressed or baled, did not lose its commercial value as a fertilizer, or did not lose its value as a fertilizer and consequently its commercial value, and in the month of December, 1889, a report was made by the sanitary committee, of which Dr. Joseph E. Bryant is the chairman, on the subject, which is quite a full report, and I would be very glad to hand you a copy of it if you would like to have it.

Q. I should like to have it? A. I have a copy of it here now [submitting report referred to to Mr. Ivins]; at the end of that report you will find a proposed resolution that was afterwards read before the academy of medicine, and I believe thoroughly approved of there by them — a resolution you will find appended to the end of the report — in which the health department, or the sanitary committee, practically gave notice that they would move to amend the sanitary code as of the 15th day of May, 1890, looking to requiring that all manure should either be baled or pressed; it was found, however, upon investigation, that it would be practically impossible to require every stable keeper in New York city to bale or press his manure; so that then an amendment was made to the sanitary code which allowed the removal of manure that was either baled or pressed, without a permit, but requiring that a permit should be granted for the handling of all manure that was not baled or pressed, requiring also that no manure should be loaded from over the sidewalks, but should be loaded into the carts from within the stable itself; now, of course, the position the fire department was placed in was that they were compelled to keep their manure within the several buildings; they could bale it, or they could keep it in barrels or any other receptacles they saw fit to use, and at any time they saw fit they could have it removed; now, what arrangements were made looking to the removal of that manure, what prices they have to pay, I do not know anything about.

Q. It was simply done by your department as a necessary means of carrying out generally a sanitary system? A. That is it exactly, and I understand that the fire department are now removing the manure in the way designated by the department.

By Senator AHEARN:

Q. Mr. Wilson, don't you think that is a rather stringent law with reference to the poorer class of people — a man that has but one or two horses — this new manure law? A. Well, we do not require him to bale or even press his manure; he can load it from inside the stable.

Q. Suppose he can not get inside of a stable; supposing a cart won't go in there? A. Then it is a very simple thing to take it and press it in a barrel; one horse, you know; it requires about a week for one horse to make a barrel of manure; he drops about fifteen pounds a day, I guess.

By Mr. IVINS:

Q. Is there any reason, in your judgment, why the department of health should have anything to do with the appointment or removal of the commissioner of street cleaning other than you find it in the law? A. Well, I find it in the law; I have no idea what was the idea of the Legislature at that time; the mayor appoints and the board confirms by a vote of three members; if, however, after two ballots, or three ballots, I don't know which it is, then two members can confirm.

Q. Now, how is he removed? A. In the same way.

The CHAIRMAN.— The theory was that it was necessary to get somebody that could be sure to get these streets clean.

Q. What do you think of the suggestion made by Mr. Coleman that the best way to clean the streets is by a board to consist of the mayor, the commissioner of public works and the president of the board of health? A. Well, that is the old block plan, as suggested by Professor Chandler; I do not think the board of health cares to have anything to do with the cleaning of the streets.

Q. Don't you think if the mayor were responsible for such, the department would be apt to get more money to do its work satisfactorily? A. That is a question.

Q. It would look so on its face? A. It would exercise a certain amount of influence with the board of estimate and apportionment.

By the CHAIRMAN:

Q. It is easier to take a man's head off now and then than to assume part of the responsibility yourself, is it not? A. No question.

HANS S. BEATTIE, recalled and examined.

Mr. IVINS.—Mr. Beattie brings in this list of the length of the paved streets in the several districts, as asked for this morning: Fifty-fifth district, four miles; fifty-sixth district, no miles; first district, seven miles; second district, eight miles; fourth district, eleven miles; twenty-first district, eight miles; thirty-second district, eight miles; thirty-ninth district, one mile.

By Mr. IVINS:

Q. These are street cleaning districts, I presume? A. Street cleaning districts.

By the CHAIRMAN:

Q. Let me interrupt; are these streets substantially the same width, so that when you speak of the length you know at once within reasonable limits the exact surface to be covered? A. We average for our total figures a distance between curb and curb of thirty feet.

By Mr. IVINS:

Q. [Resuming.] Thirty-ninth district, one mile; forty-fourth district, seven miles; fifty-first district, half a mile; now, will you tell us the number of sweepers in each of these; does that book show it? A. No: this book does not show it; I can give you that, but I can not give you the list; if you will take any district in which—as a matter of fact, I remember how many sweepers there are or were, a day or two ago.

Q. Do you remember how many it was? A. Take, for instance, the nineteenth district here, which we claim is eight miles—seventy-seven and ninety one-hundredths; we have only six broom men in that district—nine horses and carts for the collection of ashes and garbage.

Q. Now, how many have you in those two upper districts? A. In that district there isn't any; where there is no paved street there wouldn't be any.

By the CHAIRMAN:

Q. And there would be no broom men? A. There would be no broom men.

Q. But there would be carts? A. There would be carts in proportion to the quantity of matter which they got, which will give you an idea.

By Mr. IVINS:

Q. Then I guess you had better give me a statement of the different districts, beginning with the number of miles of paved streets

and the allotment of broom men to each of those districts? A. Taking the total number of miles, I can tell you that to-day; there are only 300 broom men for the 360 miles.

Q. How many buildings are there in New York city; have you that figure? A. Well, I have the information, but I haven't it in my head; somewhere in the neighborhood of 140,000; we have that information in tabulated form.

Q. I ask that for this reason; while the cleaning of the streets is naturally dependent on the mileage, the removal of the garbage is naturally dependent on the number of buildings rather than on the number of individuals; I would like to have that statement put in, if you will make a memorandum of that also? A. That is precisely the point of view from which, as far as I have intended to make the estimates for my own satisfaction, I get at the quantity and volume of matter to be collected for each section; taking a section that I know well, familiar with the character of the households, the number of families, and so on, I get at the number of the stores and the number of the private residences and after going over the figures in the department, I have in several instances, independently, estimated the total number of loads that ought to be on the average collected.

Q. Now, your statistics, from the time of the creation of the department in 1881 to date, show, first, the amount of appropriations; second, the actual expenditure; third, the volume of work done by cart loads; do they also show the mileage of streets swept and how frequently swept? A. Yes, sir.

Q. Or has the assumption been that they were kept swept at all times? A. Inasmuch as there never has been a change in that proportion, to sweep the streets at all times, they have only been swept occasionally.

By the Chairman:

Q. Your statistics do show the number of miles? A. Sweeping was done; oh, yes.

By Mr. Ivins:

Q. Will you give me the statistics of the number of miles of streets swept per annum during such a period as you can find them, if in your records?

The Witness.— Make a memorandum of that, Mr. McCarthy.

Q. Have you, in your department, the statistics of the increase in the number of buildings in this city annually? A. Not annually; no; I think, as I have stated, we have the number of buildings at

the present time, information that was obtained as incident to the doing of something else, some months back.

By the CHAIRMAN:

Q. New kind of information? A. Yes, sir.

By Mr. IVINS:

Q. Will you prepare this statement for me; take the expenditures of the department per annum, from the year 1882 up to to-day; we will leave out 1881, because that was an incomplete year; the department was new; take from the reports of the fire department, which you have in your office, a statement of the number of new buildings put up each year and see whether or not the increase in the appropriations or expenditures from year to year, during the past eight years has been proportionately to the increase in the number of buildings from year to year during that time.

Mr. [illegible] — [illegible] attention to this fact, that there was spent in 1881 [illegible]. There was spent in 1889, [illegible]. [illegible] has been growing steadily during these years; I would [illegible] purpose of determining whether the city has been growing [illegible] proportion to the expenditure of the service [illegible] been growing out of proportion to the expenditure of the city.

The CHAIRMAN — [illegible] would you be able to get statistics as to [illegible] will compare with the [illegible]?

Mr. IVINS — [illegible] President Wilson another question: President [illegible] estimates of the population of New York [illegible]

Mr. [illegible] — [illegible] population.

Mr. IVINS — [illegible] estimates of the population of New York [illegible]

Mr. [illegible] — [illegible] population.

Mr. IVINS — [illegible] estimates.

Mr. [illegible] — [illegible] estimates.

Mr. IVINS — [illegible] population of New York [illegible]

Mr. [illegible] — [illegible] four thousand, that is [illegible]

Mr. IVINS — [illegible] population [illegible] the last national census.

Mr. [illegible] — [illegible]?

Mr. IVINS — [illegible] the last year [illegible]

Mr. WILSON.—One million two hundred and twenty-five thousand.

Mr. IVINS.—The estimate of the health office of the population of the city is 1,654,000 and the census of 1880 was 1,225,000.

Q. [Resuming.] Now, Mr. Beattie, do you think that this city can be as well cleaned by contract as it can be directly by the operations of the department? A. With the method obtaining and investment of capital in a proper plant, certainly.

Q. How long a term? A. Well, if you can get the proper responsible people I think not less than about the period of the life of the plant which they would have to purchase, which I think would be about ten years.

Q. Have these carts a life of ten years; have the sweepers a life of ten years? A. No; I say in order to get back the investment it would require that length of contract, I think.

By the CHAIRMAN:

Q. Would you put that as your limit, as the least time for which you would expect the contract to be let with economy to the city? A. Well, if I wanted to do the work, or expected anybody to do it, I would certainly be disposed to give the contract for that length of time; I do not say that it could not be done in eight years.

By Mr. IVINS:

Q. Would it not be to the advantage of the city to give it for a longer time than a shorter; if that is the fact that the city is continuously growing, if you could get the people to contract for ten years, while they had the benefit of the certainty of the contract for that time, the city would have the benefit of doing the work for ten years hence for just what they are doing it now, while the city had been growing continually? A. The city has a perpetual contract; as to the question of difference between the administration by public officers and the administration by private interests I do not suppose I am called upon to make any statement.

Q. What do you think you could keep this city clean for as a contractor, if you had a contract for ten years? A. I will undertake to clean the city with the present appropriation, if I had a contract for ten years.

Q. And to keep it clean under the most rigid supervision? A. Except that which involves the adoption of the so-called block system, and keep it reasonably clean.

Q. Keep it cleaner than it is to-day? A. Yes.

Q. Keep it as clean as you have ever known it? A. Cleaner.

Q. That may be done under contract, but can it be done under the present system? A. I have not heard of any person who was willing to undertake the burden, nor have any offers, as far as I know, been made to the department that are not largely in excess of that which the board of estimate has so far appropriated.

Q. When you say with the present appropriation, you do not mean with the gross appropriation, do you? A. Yes; I do.

Q. Your present appropriation is $1,255,835, but of which sum you are going to spend some $250,000 in final disposition? A. Well, I would include the whole matter.

Q. You include final disposition? A. I think that final disposition is pre-eminently a matter for private enterprise, from the very necessities of the case; that is unquestionably commercial, and value can be given to some proportion —

Q. [Interposing.] Is is not a fact that final disposition is under contract to-day? A. Well, no.

Q. How many of these scows do you use? A. Oh, we use them all.

By the CHAIRMAN:

Q. Yes; but how many scows do you use of your own? A. We use and we couldn't have got along during this season, nor do I know how the department could under any circumstances have got along without the scows of a company which were hired, some of them, when I went into office, and I think immediately after I got in I thought it well to make arrangements for the hiring of all of them.

By Mr. IVINS:

Q. How many scows does the department own? A. I think it has twenty-three; but they were, as I understand, purchased between the years 1876 and 1881.

Q. Now, how many of those twenty-three did you find fit for use when you went in? A. Well, to show you what I think of their worth, I do not think under my administration,— that is, since the seventh of April — over three scows of the department have gone to sea; I do not think over three scows.

Q. So that our navy is not something to be proud of? A. Our navy is in a very sad shape.

Q. Now, how do you account for it that out of our fleet only three are seaworthy? A. Well, I was informed it was as much as a man's life was worth to put them on one of those things, and in addition to their not being able to stand the wind and waves, the expense of taking a flatter-deck scow to sea is nearly double — it is double, more than double that —

Q. [Interposing.] Will you ask some one in your department to find out for us what the cost of those scows has been, both the original cost and the cost of maintenance to date; now, what is the title of this scow company? A. The Barney Dumping Boat Company.

Q. Who is the president of the company? A. William L. Turnbull.

Q. They are scows that dump from the bottom? A. Yes, sir; they are what we call self-dumpers; by the release of the friction cluss they divide, and the mass is dumped all at once and the vessels come together as before.

Q. How many have you in use of those? A. Since about the tenth of June we have had, I think, twelve out of fourteen; but there have been an average, I guess, of not less than twelve.

Q. What do you pay for them? A. At the present time we pay twelve dollars per diem and furnish the crew; that is at the cost of sixteen dollars a day; they cost twenty dollars a day when I went into office.

By the CHAIRMAN:

Q. Do you do all the towing? A. Oh, yes; we do the towing.

By Mr. IVINS:

Q. What can they be bought for? A. That, I suppose, you would have to get out of some officer of that company; it is a patent, and the value of the patent I know not.

Q. In view of the history of the scows which the city owns, what is your judgment of the desirability of its owning such property as compared with the desirability of its leasing it? A. I think that no company, under the practice of doing business in a business-like manner, would hire for a long period when they know they have a contract; I am personally against the hiring of anything which I know the city is going to use for a long time; it is not profitable; it is not business-like.

Q. It is, unless the property is used up, thrown away or neglected, before its natural life has been lived, is it not? A. Oh, certainly.

Q. Now, is not that exactly the case with these twenty-three scows the city owns? A. No; at present we are furnishing material for filling in, I think, at One Hundred and Thirty-eighth street, at Newark bay and some at Gowanus; I think we have furnished some to the board of health, not much, at Weehawken; and those scows are used for that purpose; they do not have to go to sea; in comparatively still water they can be towed with safety; but we have to pay for their moving.

At this point (3.50 P. M.) the committee adjourned until to-morrow morning, Tuesday, December 23, 1890, at 11 o'clock.

TUESDAY MORNING, *December* 23, 1890.

PRESENT — Senators Fassett, Stewart and Ahearn.

HORACE LOOMIS, being called as a witness and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Loomis, what is your present occupation? A. I am engineer in charge of sewers in the department of public works.

Q. How long have you been in that office? A. Well, for the past five years, exclusive of the interval I was in the street cleaning department.

Q. What was the interval during which you were in the street cleaning department? A. About three months.

Q. What three months were they? A. They commenced, I think, on the eighteenth day of January, this year, and closed in the early part of April; about the fifth or sixth of April, I think.

Q. Will you tell the committee the circumstances under which you were appointed as commissioner of street cleaning? A. I was appointed by the mayor on that day; I don't know as there were any particular circumstances connected with it.

Q. What conversation had you had with the mayor prior to your appointment? A. None.

Q. What conversation had you had with Mr. Gilroy prior to your appointment? A. He asked me if I would accept the position and I told him I would like a short time to think it over, which was only about over night.

Q. Was that all that he asked you? A. That is all, I believe.

Q. That was a surprisingly short notice, was it not? A. Very.

Q. And a surprisingly short conversation? A. Yes ; sir.

Q. You are sure that is all there was of that conversation? A. That was about all.

Q. Was anything said to you about the appointment of your deputies? A. Not at that time.

Q. Whom did you appoint as deputies? A. Mr. Hagan.

Q. What Mr. Hagan? A. Edward P. Hagan.

Q. Was Mr. Hagan deputy during your entire term? A. He was.

Q. At whose solicitation did you appoint him? A. The mayor requested me to appoint him.

Q. Did you ask the mayor anything about his qualifications or fitness? A. I think we had some little conversation on that subject.

Q. Did you ask the mayor what Mr. Hagan's prior business had been? A. I did not.

Q. Did you find out whether Mr. Hagan had ever had any business? A. I did not.

Q. Did you find out whether he had ever had any experience in handling men? A. No, sir.

Q. Did you find out whether he was a politician? A. Nothing only by general reputation.

Q. Did you find out that he was a leader of a district in Tammany Hall? A. Well, I understood he was.

By Senator FASSETT:

Q. A pretty successful leader? A. I guess so.

By Mr. IVINS:

Q. And knowing that he was a leader of a district in Tammany Hall, and knowing nothing as to what his business had been or whether he had ever had any experience in handling men, you appointed him deputy? A. Yes, sir.

Q. What were his duties as deputy? A. He was to perform any duties I assigned him, and to act in my absence, as commissioner.

Q. Were you at any time absent? A. I was.

Q. How long were you absent? A. I think about ten days.

Q. He was acting commissioner during that time? A. Yes, sir.

Q. And he had all these qualifications for a commissioner of which you speak? A. Yes, sir.

Q. What was the condition of the streets at the time you took charge? A. Well, I couldn't say particularly as to the condition of the streets; they were not particularly dirty at that time any more than they had been for years past.

Q. Do you remember the mayor's saying that he could not mistrust the evidence of his own eyes in regard to the condition of the streets? A. I think I saw that in the papers.

Q. Well, he had had a controversy, had he not, with Mr. Coleman, because of the condition of the streets? A. I believe he had.

Q. Still you say they were no more dirty than they had been for a number of years? A. I don't think they were.

Q. Were they any dirtier than they are now? A. Well, now, I would not like to say that; I couldn't say whether they were or not.

Q. Where do you live? A. I live at Mt. Vernon.

Q. Then you have to traverse the whole city to get there, do you not? A. Oh, yes; I do.

Q. Now, have you ever during the last three or four months noticed the condition of the streets on your way to and from Mt. Vernon? A. I have occasionally noticed them.

Q. Are they any better than they were during Mr. Coleman's term? A. Now, I could not say; that is too large a subject to compare, you know.

Q. Does your duty as engineer take you out about the city? A. A great deal; yes, sir.

Q. You spend a great deal of time in the streets? A. Yes, sir.

Q. Do you ever observe their condition? A. Oh, yes.

Q. Well, from such observation as you have made of their condition how do you think they compare now with their condition during Mr. Coleman's term and during your own? A. Well, I can't speak of course in reference to Mr. Coleman's term because I did not pay that particular attention, I am not so certain that they are as clean to-day as they were during my term, still I don't like to reflect upon the condition of them particularly.

Q. You don't think they are quite so clean as they were during your term? A. Well, I have a little pride about it.

By Senator FASSETT:

Q. Is the nature of the streets such that it is not pleasant to reflect upon them? A. Well, it is, in the opinion of some; some people think they are very dirty indeed.

By Mr. IVINS:

Q. Then you think you kept them a little bit cleaner than they are now? A. I think they were full as clean in my time as they ever were before or since.

Q. Now, I understand from Mr. Beattie that the appropriation was disproportionately used, that during your term you used more than a quarter of the appropriation, is that a fact? A. I guess it is.

Q. Will that fact account for the other fact as to the difference in the cleanliness of the streets then and now? A. I don't think it will.

Q. Will you tell the committee why you used the appropriation disproportionately? A. It was because it was necessary to do the work; the amount of work done will compare favorably with the amount of money spent.

Q. Was there more work done in proportion to the amount of money spent during the first quarter of this year than there has been during the other quarters of the year? A. That I don't know anything about the other quarters of the year; I believe, however, that the month of January in that year was the largest month's work that was ever done in the department.

Q. You were making an effort to actually clean the city? A. I was making an earnest effort to do it.

Q. Tell us how it happened that you failed and why you left the department? A. I don't think I failed; I don't consider I failed.

Q. Then I will withdraw that part of the question? A. I think I did as much with the money as could be done with the money under the organization that we had there.

Q. Would you be surprised if you found that you did not do as much with the money as has been done proportionately during the last quarter by Mr. Beattie? A. I would; yes, sir.

Q. Well, we will have to look at that; now, why did you resign from the office? A. Well, the place was not agreeable to me.

Q. Why was it not agreeable? A. Well, because the results accomplished did not come up to my ideas of what ought to be done, and what I would like to do, and then the press were attacking the department and me all the time, and made it very disagreeable indeed, and I thought the game was not worth the powder as far as I was concerned. I thought it was best for me to retire.

Q. Well, leaving aside the disagreeableness of the attacks in the press, what other reasons did you find which made it impracticable for you to secure the results which you thought ought to be secured? A. Well, the department organized under the day's work system was so unwieldy that it did not seem that I could get the grip and control over it that I would like to have, and the amount of money appropriated, in my opinion, would not be sufficient to keep up the rate at which we were going, and that we would evidently have to cut down in some case or another before the year came around, and altogether I did not think there was any glory or credit to be gained by me by remaining in the department, and I thought the sooner I retired the better it would be.

Q. Do you think that as the department is organized to-day under the legal conditions of its organization, and as it receives its moneys to-day from the board of estimate and apportionment, that any active energetic man seeking to clean the city, can do himself credit and the city justice in the office? A. I don't think anybody will ever get any credit in that office organized as it is.

Q. Now, you speak of the day's work system; was the contract system abolished when you went into the office? A. The contracts I think ran out in May previous.

Q. And had not been renewed? A. And had not been renewed.

Q. Did you hear of any controversy at the time of the expiration of those contracts between the mayor and the then commissioner of street cleaning as to the renewal of the contracts or the abandonment

of the contract system? A. I don't remember any such; I did not pay any attention to the affairs of that department at that time.

Q. When you went into that department did you resign absolutely from the department of public works? A. Yes, sir.

Q. Will you tell us now the circumstances under which you were reappointed to that department, telling us first, who held your place there in the interim? A. The duties of my position during the time that I was absent, were divided I think between two assistant engineers, one of them particularly, I think, had more control than the other, that was Mr. Stevens.

Q. Then your place was not filled? A. No, sir.

Q. During the time that you were in the other office? A. No, sir.

Q. And all you had to do was to step back into it? A. Well, I did step back into it.

Q. You did step back into it; during the time that you were commissioner of street cleaning, did you personally make any appointments to foremanships? A. How do you mean, personally?

Q. By sending to the foremen, examining them, talking with them, selecting them, and then appointing them? A. The foremen all came from the civil service lists.

Q. Did you have anything to do with the appointment of assistant foremen? A. I appointed all of them; made the appointments of every foreman.

Q. Did they come from the civil service lists also? A. Yes, sir.

Q. How about the inspectors, were they civil service officers? A. Yes, sir.

Q. Did you ever recommend any one to the civil service examining board? A. No, sir.

Q. Do you know of any one in your department ever having recommended any one to the civil service examining board? A. No, sir.

Q. Who had the power of the appointment of laborers, either as drivers on the carts, or as broom men on the streets? A. I had.

Q. To whom did you delegate it? A. I requested Mr. Hagan to take charge of the labor bureau, to examine the men to see whether they were able-bodied men, and capable of doing the work.

Q. Well, did he perform that duty? A. He did.

Q. Performed it without assistance? A. I suppose so.

Q. I mean from you? A. Yes.

Q. You would not interfere with him in that matter? A. Not particularly; no.

Q. And that really covered what was generally known as the patronage of the office, did it not? A. Substantially; yes, sir.

Q. And that was in his hands? A. Largely; yes.

Q. Who had the power of removal of those same men? A. I did.

Q. To whom did you delegate that? A. Nobody that I know of.

Q. Did you ever make removals of any of the men? A. Yes, sir.

Q. What course did you pursue prior to making such removals? A. Well, I caused an inquiry to be made as to whether the men were competent to do the work, whether they were able-bodied men; I had understood that there were a large number of men in the department not able to do a day's work.

Q. Who made that inquiry? A. The superintendent.

Q. Who was the first superintendent? A. Mr. Robbins was the first superintendent I appointed.

Q. What office did you find Mr. Robbins in when you went there? A. I think he was acting as deputy.

Q. And you appointed Mr. Hagan and reduced Mr. Robbins to superintendent? A. He was appointed a district superintendent.

Q. Not general superintendent? A. No; not at that time.

Q. Did you subsequently appoint him general superintendent? A. I did.

Q. At whose solicitation did you do that? A. My own.

Q. It was the solicitation of nobody? A. Nobody.

Q. Was Mr. Robbins qualified to be general superintendent in your judgment? A. I think he was; yes, sir.

Q. Do you know of anything that has happened to Mr. Robbins that disqualifies him from still being general superintendent? A. Nothing that I know of.

Q. Do you know that he has been reduced to district superintendent? A. I did not.

Q. Do you know of any reason, so far as concerns his qualifications, why he should have been so reduced? A. Nothing at all.

Q. Was one of the annoyances from which you suffered during the time you were there the solicitation of men in public office, in public life or in private life, to have people appointed to work on the streets? A. Yes, sir; I think that is an annoyance of every public officer.

Q. Will you describe the magnitude of that if you can? A. Well, they were asking for appointments all the time.

Q. How often did they get them? A. Well, there were a great many appointments made while I was there.

Q. Who had the preference? A. Well, I don't remember now who had the preference.

Q. Did not Tammany Hall men have the preference? A. I never inquired as to what hall they belonged to.

Q. Whose duty was it to inquire what hall they belonged to? A. Nobody.

Q. Who did make the inquiry? A. I don't know as anybody did; I never did.

Q. Did you ever find whether a County Democrat was appointed during your term? A. I never inquired.

Q. Did you ever find out whether a Republican was appointed during your term? A. I never asked as to that.

Q. Did you ever find whether a plain average citizen or a Mugwump was appointed during your term? A. There was never any question asked by me as to politics or religion.

Q. Do you know whether any questions were asked by Mr. Hagan? A. I do not.

Q. Do you know whether Mr. Hagan knew without asking questions? A. Very likely he did.

Q. Was it not the assumption that he did? A. I presume he did.

Q. Well, now, tell us frankly, Mr. Loomis, that was a Tammany Hall department, was it not? A. I presume it was.

Q. And the patronage went to Tammany Hall? A. Very likely.

Q. Now, did you find that the state of facts which led up to putting that patronage virtually into Tammany Hall was one of the annoyances and drawbacks to a good administration of the office? A. I don't think the patronage going to one hall or another hall as between the two would make any difference as to the administration of the office.

Q. Did you find that political patronage, all halls apart, and the way in which the offices were expected to be used as political patronage was one of the drawbacks or impediments to an efficient conduct of the office? A. I think that is the case in most every instance, wherever it is.

By Senator FASSETT:

Q. A moment ago you said among the reasons why you resigned was you could not do what you wanted to? A. Well, I did not accomplish, did not get as far advanced as I thought it ought to be.

Q. Was that one of the reasons? A. No, I don't know as it was one of the reasons, organized as it was I don't know that we would have got any further if we had hunted up our own men, advertised for them, and employed them under the day's work system, paying them two dollars a day for their services and working them eight hours a day.

Q. Is the day's work system as good a system to pursue in that department as the contract system? A. I don't think so in any department for any public work.

Q. Do you think you succeeded in getting a dollar's worth of work done for a dollar under the system in vogue? A. It is pretty hard to get a dollar's worth of work done for a dollar.

By Mr. Ivins:

Q. Do you think it is possible in municipal government where politics necessarily interfere either on one side or the other, to get the same proportion of work for the pay which you can in private business? A. I don't think we do.

By Senator Fassett:

Q. Do you say you do not think it is possible? A. I don't think we do get it; I don't say but what it might be possible; it is not often done, I don't think.

Q. Would you come nearer doing it under the contract system than under the day's work system, do you think? A. Well, if you let a contract for a piece of work to be done under a certain specification, if you did not get the value of your money then it would be your fault.

By Mr. Ivins:

Q. But if you do not get a full day's work for a full day's wages out of an employed man, it is not your fault, is it; that is what you mean to say? A. Well, I mean to say that it is very hard to enforce discipline and drive men up to do what you expect them to do and get as much out of them as you think you ought to get under the day's work system as under the contract system.

Q. Do you think the work can be done more satisfactorily, then, by the contract system? A. I think so; that is my idea.

Q. Did you make any attempt to reintroduce the contract system? A. I spent considerable time drawing up the contract.

Q. And what became of it? A. Well, after it was completed I sent it to the corporation counsel for his approval.

Q. And then what happened? A. I have not seen it since.

Q. Do you know whether anybody has seen it since? A. I do not.

Q. Did you ever talk with the corporation counsel about the contract system? A. I don't remember of having any particular conversations with him about it.

Q. Did you ever talk with the mayor about the contract system? A. I had one or two conversations with him.

Q. Just tell us what those conversations were? A. Well, they were very brief; I couldn't get any opportunity to talk with the mayor any length of time about it, as he was very busy, apparently, at the time;

he said if I thought that that was the proper thing to do, why, he would agree with me, but his own opinion was rather opposed to it.

Q. The contract system would supply very much less political patronage than the day's work system, wouldn't it? A. Well, it would do away with all the laboring men wherever it was employed.

Q. Do you know whether there had ever been any discussion between the different political parties in this city, or in different localities in the city, as to the popularity, or otherwise, of the contract system? A. Well, I don't know anything about the discussion between political parties, as I am not a politician; all I know is what I have seen and read in the papers.

Q. Have you not seen it stated in the newspapers and heard it said that there are certain districts in the city where the poorer people and the working people are opposed to the contract system and in favor of the system of day's labor? A. Yes, sir.

Q. So that the question of popularity was one of the incidents that hedged this work around, was it not? A. Well, it didn't hedge it around with me; it might have with others.

Q. Well, were your conversations with the mayor all of that same tenor? A. Well, the conversations with the mayor amounted to just about what I have told you; I don't think they lasted five minutes, either one.

Q. He said he would agree with you, but he rather favored the day's work system? A. I think he wanted some more convincing argument than I had given him at that time, that that was a feasible thing to do.

Q. How long had your contract been in the hands of the corporation counsel when you retired from office? A. I guess they must have been there a month.

Mr. IVINS.—That is all with Mr. Loomis.

By Senator AHEARN:

Q. While you were commissioner, or under your administration, did you ever have any complaints that any of the men appointed there were not attending to their duties? A. I frequently had such complaints.

Q. In cases of that kind, what did you do? A. Investigated the case.

Q. If you found it to be true you discharged them? A. Yes, sir.

By Mr. IVINS:

Q. You say you investigated the case; did you investigate it directly? A. Sometimes directly; generally I handed it over to the superintendent to make a report upon it.

Q. That was to Mr. Robbins? A. Yes, sir.

Q. And then you generally acted upon the superintendent's report? A. Generally.

Q. So that generally that whole duty was delegated? A. All that management of the day's work force was delegated or handed over; directed to be done by the superintendent.

Q. Now, are you sure that nobody asked you to make Mr. Robbins superintendent? A. Nobody asked me to make Mr. Robbins superintendent; I picked him out myself.

Q. Did not Mr. Hagan ask you to appoint him? A. No, sir.

Q. Did you and Mr. Hagan talk about Mr. Robbins? A. I think we did.

Q. What was Mr. Hagan's opinion of Mr. Robbins? A. I don't remember that he said anything about him; I say I think we talked about him; I presume we did; I don't know.

Q. Do you know the Reverend Father Power? A. I have met him only once.

Q. Did he ever speak to you about Mr. Robbins? A. Never, sir.

Q. Do you know whether he ever spoke to Mr. Hagan about Mr. Robbins? A. I do not.

Q. This Mr. Robbins, do you know what political party he belongs to? A. I don't; I don't know as he belongs to any; I didn't ask the question.

Q. Did Mr. Hagan make any objection to Mr. Robbins. A. I don't think he did.

Q. Would you have appointed Mr. Robbins if Mr. Hagan objected to him. A. I would.

By Senator Fassett:

Q. Mr. Loomis, have you ever made, either before you went into the office, or while you were there since, a study of the general problem of street cleaning? A. Well, I spent my time when I was in the office, studying the problem.

Q. Do you know anything about the relative cost of cleaning streets in this city and in other large cities, either in this country or abroad? A. Well, I can not speak definitely on that subject now; I did look into the matter pretty carefully and my recollection is that the cost of doing this work in this city is largely in excess of that in the cities abroad.

Q. Do you know it compares with the cost in Philadelphia, Chicago, Boston and Washington? A. Well, I guess it is about the same.

Q. You think it is about the same? A. Where it is done on the same basis of day's work excepting that we have here this law that requires us to pay two dollars a day and eight hours work, which handicaps any department which has to pay it.

Q. That two-dollar-a-day law necessarily handicaps a department? A. Of course, it does; they are paying at least fifty per cent more for the same labor, at least fifty per cent more.

Q. Do you mean one-half more or twice as much? A. I mean one-half more; now, at two dollars a day and eight hours a day you are paying twenty-five cents an hour; now, contractors and others will employ labor for a dollar and a quarter or a dollar and a half, that is at the rate of twelve and a half cents an hour or fifteen cents an hour.

Q. The same kind of labor? A. The same kind of labor; that is just the difference.

Q. Apart from that fact is there any other reason that you know of why it should cost more to clean the streets in New York city than any other city? A. Well, such labor is not as efficient I don't think as contract labor; they have not the control over it; a contractor who employs a laborer, if he does not suit him he is discharged at once.

Q. Does it have any effect, so far as you know, on employes when they feel that they have been appointed at the hands of official persons and have a pull? A. I guess it does; they feel rather independent.

Q. It makes them pretty independent? A. Yes, sir.

Q. That is one of the inevitable effects of the spoils system? A. That is what you have to pay for living under a democratic government.

By Senator AHEARN:

Q. Did you ever consider that matter of a man having a pull, a man who did not attend to his duties and claimed he had a pull? A. Never anybody claimed it in that way.

By Senator FASSETT:

Q. He means did it ever weigh with you? A. Not at all.

By Mr. IVINS:

Q. Does it not come up in this way; that a foreman is in charge of a squad of men at work and a man does not work quite up to time and he probably has just as good a pull as the foreman has? A. Very likely.

Q. And the foreman knows the other fellow has just as good a

pull as he does and the complaint won't reach the head of the department at all? A. It might not.

Q. And so on through the whole system? A. Well, I suppose what you call a pull—

Q. Political influence? A. He would be reported by the foreman for instance for neglect of duty and will be discharged, the next day this man will have two or three friends of his down to the office pleading to have him restored.

Q. Will he be? A. He might be; it depends on what kind of a case he makes out, and what kind of an argument he makes; they may make a pitiful appeal; one man came before me with a friend who had been discharged, and he says: "If this man is discharged, it means starvation for him and his family;" in such a case, it would be more than human nature to resist such an appeal as that.

Q. That is the humane appeal? A. Yes, sir.

Q. Has anybody come to you and said, "If this man is not put back, it will seriously inconvenience me in the politics of my district?" A. I never heard of any such case.

Q. A contractor would take the same view of the humane question that you would? A. I don't think he would.

Q. Don't you think he would? A. No, sir; because his money would be at stake there, and that would be an influence in the other direction.

Q. Well, you are familiar with the cross-division and inter-dependence and complexity of duties between the public works, street cleaning, health and police departments, are you not? A. Yes, sir; somewhat.

Q. Do you know of any way in which that complexity can be done away with, and something like order and simplicity brought into this work? A. Well, if the street cleaning department were made a bureau of some other department, say the public works, or the health board, or the police board, perhaps more properly the public works or health board; the health board has a more direct interest.

Q. You do not think it should be the police, do you? A. Hardly.

Q. The functions of the police department is really the police of safety? A. Yes, sir.

Q. That of the health department is the sanitary police? A. Yes, sir.

Q. That of the fire department is the fire police? A. Yes, sir.

Q. And so on? A. Yes, sir.

Q. Now, there is no reason why the street cleaning, which is part of the sanitary police, should be put into the police of surety or safety, is there? A. No, sir.

Q. The department of public works is both a department of police and a department of works, is it not? A. Well, hardly a department of police.

Q. Well, it is a department of street police as to incumbrances? A. A. Well, yes.

Q. And as to the condition of the streets? A. Yes, sir.

Q. After the work has been done; their maintenance, and so forth? A. Yes.

Q. Who does the sprinkling? A. The sprinkling in the department?

Q. What department sprinkles the streets? A. The public works department has charge of all water supply.

Q. Do you know of any reason why the street sprinkling should be done by the department of public works, and the street cleaning by an independent department? A. Certainly; the department of public works has charge of the water supply, and they ought to have control of it in some way or another, so as not to have an unnecessary waste of water or any improper use of it.

Q. Do you know how much water is used by the fire department in this city per annum? A. I do not.

Q. Do you not know it is not one-third of one day's consumption? A. I know it is a very small fraction.

Q. Do the people who sprinkle the streets use one per cent of the amount of water the fire department does? A. Well, I don't know.

Q. As a matter of fact, is not the amount of water used for sprinkling the streets almost infinitesimal as compared with the total consumption? A. I should say it was small, I don't say it is infinitesimal.

Q. Then the mere desire to save the water and the mere fact the department of public works has control of the water system of the city is hardly sufficient as a justification for giving them that function? A. I think the department of public works should retain entire control over the supply and distribution of water.

By Senator FASSETT:

Q. Do they control it as against the fire department? A. No, sir; the fire department have the privilege to open all the hydrants.

Q. They never have abused that power, have they? A. I don't suppose they do.

Q. Would it not be equally prudent to let the street department open the hydrants to clean the streets? A. It might be.

By Mr. IVINS:

Q. How many miles of salt water mains are there in New York now? A. I don't know of any.

Q. I noticed in one of the mayor's messages, I think it was the first message of Mayor Edson, that a certain number of miles of salt-water mains had been laid, and are in New York? A. That is for private purpose, it is not public; I think some of the brewers had salt water-pipes that they bring water in from the river up to their breweries.

Q. Have you ever studied the question whether salt water might not be brought into our streets and the work of cleaning the streets facilitated by flushing? A. Well, in my capacity as engineer in charge of sewers, I should rather object to flushing the streets from the fact that it carries the dirt and mud down into the sewers and that has to be taken out at a large expense.

Q. That brings us very directly to the close connection between the condition of the surface of the streets and the sewers, does it not? A. A very close connection.

Q. Is not that connection almost so close as to make it logically follow that the department of public works which has control of the sewers and control of the construction of the streets, control of the maintenance of the streets in condition, control of the watering of the streets, should have also control of the cleaning of the streets? A. I think it might be a very good thing.

Q. Do you know that Commissioner Coleman made a recommendation of that kind? A. I think he told me so.

Q. You think the recommendation was a good one? A. I think it was feasible.

Q. Now, as engineer in charge of sewers you naturally have some acquaintance with the water system of the city, have you not? A. I have; yes, sir.

Q. And you have studied the question of the water supply and the conditions of the aqueduct and the conduits, pipes and everything of that kind? A. Considerably; yes, sir.

Q. What in your judgment would be the effect of the division of the department of public works into two departments, one department to have control of the streets and everything that appertains to the streets, that is, that appertains to the pavements, the conditions of the pavements of the streets, the laying of the pavement, the restoration of the pavement, the maintenance of the pavements, the laying of the dust on the pavements by water, cleaning off dirt from the pavement, keeping off incumbrances from the streets, all in one department and for the entire territory of the city, and on the other hand, another department which for the entire territory of the city should have control of everything which is under the streets, that is, of the sewers, the water and a police control of gas pipes and steam-

heating pipes and everything of that kind? A. I think that perhaps would be a very good scheme.

Q. Can you see any objection to that? A. Well, I should not like —

Q. I mean objection other than political? A. It is not a very good thing to divide responsibility.

Q. We don't propose to divide responsibility; we propose to make two departments, I don't mean we propose, I merely ask the question; the question is what would happen if two departments were made with an independent head to each of these departments and then the territory covered by each department to be the entire city? A. I think that if under the one department with one head a bureau were formed having these things grouped together which you have spoken of, it would probably be a very good thing.

Q. Do you think it would be better to have all of the water system, all of the sewer system, all of the cleaning system, all of the market system, all of the building system, all of the maintenance and repair of public buildings for the entire city, together with the control of lighting, street opening, in the hands of one single commissioner? A. I think it would be a good idea.

By Senator FASSETT:

Q. That is, you would prefer to have it all under one commissioner with two bureaus? A. Yes, sir; certainly divided into bureaus; the same as the department of public works to-day is; they have a number of bureaus there, each having its special duty.

By Mr. IVINS:

Q. Let me call your attention to this fact, under our present system of government we have no government by common council at all, you are familiar with that, are you not, virtually none, I mean; the powers of the common council have been so restricted? A. They are very few.

Q. We have virtually no government by common council, and our government is almost entirely a government by mayor, is it not? A. By boards and commissioners.

Q. No; by mayor in the first instance, the boards are not elective, are they? A. No.

Q. And once in two years the people elect a mayor and thereafter for his term he is held responsible for all the departments? A. Yes, sir.

Q. Will you tell us why, in your judgment, that responsibility should be filtered through a commissioner of public works rather than have two or three departments, the heads of which should be

appointed by the mayor? A. I think all these departments, running together, etc., would work more in harmony if they were controlled by one head than separate heads.

Q. Is it not the theory of our government that the mayor is just such a head and will control and unify? A. The duties are too extensive for one man to take care of.

Q. Then if the duties are too extensive for one man to take care of and we fail in the result, the system is at fault, is it not? A. Yes; certainly.

Q. Now, can you suggest any remedy for that system? A. Well, only concentrating the responsibility for certain things for certain persons.

Mr. Wilson, recalled and examined by Mr. Ivins, testified as follows:

Q. I asked for the reports of your inspectors for the last month on the condition of the streets; are these they? A. Those are copies; the first package is the inspections for the month of November and these were other originals.

Q. What other originals are they? A. Well, they are complaints of —

Q. Inspectors or individuals? A. Based upon individual inspectors, the Society for the Improvement of the Condition of the Poor, and citizens' complaints generally.

Q. Can you have copies of those made for me? A. I will leave the originals with you or I will have copies made if you wish them.

Q. I prefer to have copies; will you send them to my office as soon as they are done? A. Within two or three days.

Q. I also asked you for a copy of the resolution calling upon the street cleaning commissioner to remove the ashes and garbage and to clean the streets daily; is this a copy? A. That is a copy of the resolution.

Paper referred to is as follows:

Health Department, No. 301 Mott Street,
New York, *December* 22, 1890.

Extract from the minutes of a meeting of the board of health, held December 9, 1890:

Resolved, That in view of the continued failure [illegible] th[illegible] and garbage in this city daily, and in view of [illegible] plaints of the dirt and accumulation of ashes [illegible] sidewalks and in the streets of this city, notice [illegible] missioner of street cleaning of the late inspectio[illegible]

department, and he be earnestly requested to proceed forthwith to thoroughly remove the ashes and garbage, and to clean the streets where there has been accumulation of ashes and garbage, and hereafter to remove the same daily.

A true copy.

EMMONS CLARK,
Secretary.

EDWARD P. HAGAN, being called as a witness and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Hagan, what is your business? A. Well, no active business now.

Q. How long since you have been in active business? A. About four years.

Q. What was your business? A. Real estate then.

Q. Real estate agent? A. Not agent; real estate, generally.

Q. As broker or agent or what not? A. Anything; yes.

Q. Has that always been your business? A. Not previous to that; I had been in the liquor business.

Q. How long were you in the real estate business? A. About four years.

Q. You have been a Member of Assembly from this city? A. Yes, sir.

Q. How many years? A. Seven years.

Q. What district did you represent? A. Sixteenth.

Q. A member of Tammany Hall? A. Not all the time.

Q. Are you a member of Tammany Hall now? A. Yes.

Q. When did you become a member of Tammany Hall? A. Eighteen hundred and eighty-five, I think.

Q. Prior to that had you been in the County Democracy? A. Yes, sir.

Q. Are you now the district leader of Tammany Hall in your district? A. I believe so; yes.

Q. Were you at one time deputy commissioner of street cleaning? A. Yes, sir.

Q. When were you appointed? A. I think the latter part of January.

Q. Of what year — 1889? A. This year — yes; 1889.

Q. Well, this year would be 1890? A. Yes; previous to Mr. Beattie, under Mr. Loomis.

Q. How long did you stay in that office? A. About three months.

Q. Did you retire from the office at the same time that Mr. Loomis did? A. About a week after.

Q. Will you tell us the circumstances of your appointment to that office? A. No extraordinary circumstance connected with it.

Q. The circumstances only ordinary, if not extraordinary? A. Ordinary, that is all.

Q. Now, what were the ordinary circumstances? A. Nothing; the subject came up one day about street cleaning; Commissioner Coleman had resigned; I was asked if I thought I could fill the position of deputy; I said I didn't know; I thought it was very hard work; I should try.

Q. Who asked you? A. I forget now; in general consultation among a couple of gentlemen connected with the organization.

Q. Who were those gentlemen? A. I think one was the mayor; who the other one was I do not know.

Q. Was the other one Mr. Gilroy? A. I forget.

Q. Was it Mr. Croker? A. I forget.

Q. This was a question of your taking an important office? A. Not a question of my taking — whether I thought I could fill the position to satisfaction; I said I didn't know, but I would try; I thought it was a very hard burden; hard work to do; I should try to do it.

Q. It is an office, on the satisfactory filling of which the good or bad judgment of the mayor, and the credit or discredit of the organization, more or less would depend, is it not? A. Well, it is a question whether satisfactory or unsatisfactory filling of it was —

Q. You did not regard it as an unimportant thing, did you? A. I didn't regard it as a very important factor.

Q. You did not regard this conversation with them as an immaterial and unimportant talk, did you? A. No, sir; I regarded it that when Mr. Coleman left it, left the street cleaning position in such a manner that in order to get a man that was competent to do the business on the amount of money that they had appropriated, I thought it was a rather hard thing to do.

Q. You treated it seriously, as it deserved? A. I treated it seriously — serious subject.

Q. Still you do not remember who that other person was? A. No; I do not know as it makes any difference; I would tell you very candidly if I did know.

Q. Did you have the management of the patronage of the office after you went in there? A. Not altogether.

Q. To what extent did you have it? A. To the extent that I would make recommendations to Commissioner Loomis, and he examined

the qualifications, that is, physical, etc.; more so with laborers, their physical qualifications, and then report to Commissioner Loomis.

Q. Did you ever report to Commissioner Loomis in favor of appointment of persons who have been recommended to you by your fellow members in the organization? A. Yes.

Q. Was that the rule or the exception? A. It wasn't neither a rule or exception; it was occasional, that when people who had been under the department previous to my appointment there, that were identified politically with the opposite organization, had made themselves obnoxious to our party, in different districts, they suffered the usual penalty when the party came in power; that is, in other words, they put Tammany Hall men in their place; that is, all things considered, they were as good men.

Q. While the men who were put in were equally good, you nevertheless applied the doctrine that to the victor belongs the spoils? A. With that consideration, and it was in connection with that I found the same policy when the other party had power.

Q. That rule has been very generally applied by whatever party has been in power in this city, has it not? A. Always, so far as I recollect.

Q. So far as you know, is it not to-day, really at the basis of all of our public offices except those which come within the most stringent control of the civil service commissioners? A. No; I don't think so.

Q. Don't you think that that rule prevails in the department of public works? A. Not half as radical as when the County Democracy went in power.

Q. Oh, that may be; I know it prevailed then. A. Well, it is not half as radical now; don't prevail to fifty per cent the extent it did then.

Q. Still prevails very largely, don't it? A. Not at all; just the same as if the party came to you when in power, and they came to you and ask you to recommend a friend to the place; you might do it through social position or something else.

Q. Are people who are so recommended and appointed treated with the same severity, watched over with the same care, their work inspected with the same amount of exactingness, as in the case of men who are not so recommended and appointed on such recommendations? A. It seems to me, Mr. Ivins, you have got exaggerated ideas there; as I understand the policy of the government to-day and the policy of the head of the department is, that a man may be appointed; his influence may be strong, but once he gets in there he is subject to the same discipline, etc.; if he don't behave himself he has got to go, no matter who is behind him.

Q. Then another organization man would come in and take his place? A. That might possibly be; as far as that is concerned I must say, in supplementing that, we have got pretty good men to fill those places.

Q. Why did you go out of the department of public works? A. Well, for this reason: That from the work there, I didn't see that I could do the work to the satisfaction of the people or to my own satisfaction; that the money that was allowed didn't seem to me I could do the work in a proper manner.

Q. Did you take any part in the determination that a disproportionate share of the appropriations should be spent during that first quarter? A. No; we had to take the emergency case, that the streets — the trouble was that the streets were not in very good condition; Mr. Coleman, I suppose, done the best he could, but even he was punished, and we thought we would try and get them clean, so that we expended money; it was not in the shape of appointments; it was not in the increase of salaries; we spent this money merely in the increase of work, sweeping, etc.

Q. Do you understand that there was no increase in the force? A. No increase in the force; it was merely work.

Q. And no expenditure for appointees in the central office; nothing of that kind? A. Well, the administration I don't suppose increased anything in proportion to what they are talking about.

Q. The only increase in expenditure was in hiring more men to do more work; to do work in the streets? A. I don't know as it was hiring men so much as it was putting the men — instead of giving them what was possibly seventy per cent of the work, we used to give them full wages in order to keep the streets clean.

Q. Did you consider, at the time you expended that money, the condition it would leave the department at the end of the year? A. We did consider this; I want you to take into consideration this, the policy in Commissioner Coleman's report, that in the first quarter of the year and the last quarter of the year your amount of money is, I suppose, at an increase, by reason of the extraordinary amount of ashes and garbage; in other words, during the summer you can save up some of that money; make up for what you expended in the winter.

Q. Is it a fact that the first quarter of the year is always the hardest quarter of the year? A. The first and last quarter.

Q. By reason of snow? A. Possibly.

Q. During the last eight or ten years the first quarter has been the most difficult quarter, has it not? A. I think so, from the exhibit of reports.

Q. Do you know of any way to provide for the use of the appropriations other than to leave the matter to the best judgment of a responsible head of the department? A. Well, that is a broad question; you mean directly with that department to deal with?

Q. No; I do not. A. There is different questions about that; some people think the contract system will be the best.

Q. I don't mean the contract system; I will come to that in a minute; an appropriation is made here annually for the board of police? A. I thought you meant this department.

Q. I do; I will come to it in a minute; but that appropriation is paid out in twelve equal installments. A. You mean the pro rata —

Q. Yes; your appropriation is paid out in twelve equal installments, monthly, to the board of police; could anything of that kind be done, I say, by making a provision either of law or by ordinance to the effect that you should receive only one-twelfth of your appropriation monthly or that the department should receive only one-quarter of it quarterly? A. I don't think so; I think you better abolish your commission altogether if you can't trust the commission to use judgment.

Q. Now, we will come to the other question, that of contracts; will you tell us, first, whether you think the city can be cleaned as economically and as successfully by contract as by the day's-labor plan? A. From a point of economy, no; successfully, yes.

Q. You think it can be cleaned more successfully? A. By day's labor, yes.

Q. By day's labor? A. Yes, sir.

Q. But not so economically? A. No.

Q. Why do you think it can be cleaned more successfully? A. Because when the contract was let, a three years' contract, to go over Fourteenth street, it didn't demonstrate an extraordinary amount of cleanliness; they cleaned it, but not what I should call cleaning.

Q. Would it not be easier for you, as commissioner of public works, to hold a contractor to strict and rigid accountability? A. It would be a nicer, softer job.

Q. It would be easier for you? A. Yes, sir.

Q. You could hold him to a very rigid accountability, could you not? A. That I don't know; a contractor is a hard person to hold.

Q. Would it not depend entirely upon yourself? A. Well, it is impossible for a man to exercise a personal supervision over the whole city; I have tried that and you can't do it; you have got to have subordinates.

Q. I will put it to you in this way; who had that contract south of Fourteenth street? A. Mr. Duffy.

Q. Who was commissioner of street cleaning? A. Coleman.

Q. They were very warm friends, were they not? A. I don't know.

Q. Members of the same political party? A. Yes — well, I don't know; Mr. Coleman was not positive.

Q. Do you know what party Mr. Coleman was a member of? A. No; I do not think he ever identified himself positively with any.

Q. Now, suppose you were commissioner of street cleaning, would you hold a man who was your warm friend, your boon companion, your fellow in your political organization, but who had the contract for the cleaning of a certain part of the city, to quite so strict a responsibility as you would a stranger or a man on the other side? A. Yes; in the first place, I would rather not have him there; I would rather have some stranger; but if he did take it, I should hold him to a strict accountability.

Q. Have you any means of judging as to whether or not Mr. Coleman held Contractor Duffy to as strict an accountability as he ought to have been held to clean the streets? A. I think Commissioner Coleman would hold anybody to a strict accountability; I have got that opinion of the gentleman.

Q. Why is it not possible to hold a contractor to such strict accountability that if the streets are not kept just as clean as you want them kept, you can break the contract? A. Well, that is possible to do, but at the same time, when you give a contract and virtually hold a covenant in it to abrogate it at your caprice, it is hard to get a good contractor, because unless he has a sufficient influence; unless he has got some influence that he thinks will hold the commissioners, he invests two or three hundred dollars in a plant to be at any moment canceled at the caprice of the commissioner; there is no relief.

Q. Let us see if it be not caprice, but such a case as we have to-day; it is impossible to clean every street of this city every day, is it not? A. No; it is not.

Q. It is impossible under the appropriations which are given, is it not? A. Yes; under the present appropriations.

Q. Still the law holds that the streets shall be cleaned and kept at all times clean, does it not; that is the letter of the statute? A. That is the letter of the law.

Q. So that, appropriation or no appropriation, any commissioner of street cleaning is technically in the wrong to-day who does not clean the streets and keep them at all times clean? A. He is technically; yes; but not morally.

Q. Not morally but technically; now, it is a fact that the ashes and garbage are not removed from certain places and from certain receptacles daily? A. That I can not say now.

Q. Well, I state it as having appeared here; and complaints are made to the board of health to that effect; now, if you were a commissioner you may not have the means to make those removals every day; that is the fact, is it not? A. Well, I don't know; I should think one of the first duties, irrespective of cleaning the street, would be to remove the garbage.

Q. But you may not have the means to be able to remove the garbage or to clean the streets; you may not have the means to do both? A. You have got to let one or the other go.

Q. But if you, as a contractor, with your eyes open, for a given sum, agreed absolutely to do those things, do you think that you could complain if you are held to your contract? A. No.

Q. Then a commissioner of street cleaning who held such a man to his contract — A. You mean to the full letter of the contract?

Q. To the full letter of the contract, but no more than the letter of the contract, would not be acting capriciously, would he? A. No; be acting in this manner: That under the iron-clad contracts that they have drawn, and under which Mr. Duffy acted, and under which Mr. Loomis proposes to act, I don't think that you can get a fair contractor that would come there right in on its merits unless he thinks he will have some influence, because, as I say, you invest so much money in a plant and you will have it thrown up at any moment.

Q. In other words, you think that no person, fair business man, can afford to make a hard and fast contract to comply with the letter of the law? A. In this way: That I wouldn't feel like putting no money in a plant with such an iron-bound contract.

Q. The contract has to be just so iron-bound because the law is so, does it not? A. I don't know what the law is; I think it was the laws of 1884.

Q. It is the law of 1881; it says the street shall be cleaned and kept clean at all times, or, at all times clean? A. I mean the contract system; I don't know what —

Q. The contracts have to be made in conformity with the law? A. I don't know whether it is in conformity with law to put those covenants in; that is, those iron-clad covenants?

Q. How could a street cleaning commissioner do his duty if the work were contracted, unless he compelled the contractor to do what the law requires; that is, to keep the streets clean at all times and to remove the ashes and garbage daily? A. I suppose he could have his covenant in a penalized fee in a certain manner, or, in case the contractor thought he was being abused, to give him the right of appeal to the General Term; something of that kind.

Q. I want to get back to your first proposition; that you would not put in a plant and you don't think any fair business man would put in a plant — A. As a business proposition I would not do it.

Q. Under those terms which are contained in the form of contract submitted by Mr. Loomis, unless he had sufficient influence; now, what do you mean by that, sufficient influence to guarantee fair play? A. That is it; fair play or else near fair play; for instance, a man might, through carelessness of his foreman — a contractor has got to have foremen — a man, their work might not be up the standard, and one or two offenses like that, the commissioner could cancel the contract.

Q. It springs out of this fact, does it not, that any commissioner could always find sufficient cause of complaint to technically justify him in breaking one of those contracts? A. Yes; and almost justify him on good grounds; for instance, a man cleaned a street; two hours afterwards it is dirty again; they have littered it, refuse, etc.; the commissioner comes along in an hour or so: "You haven't cleaned that street."

Q. Do you think the law should be so amended as to premit contracts to be made in a more human and more enforceable way? A. In a more — in a fair manner, so that when a man does invest heavily in a plant, he will have some rights.

Q. For instance, that a man shall go over each street once a day, or once in two days, or with a certain frequency? A. Well, that is according to the location of the streets.

Q. Or, that the commissioner shall have power to make contracts compelling the contractor to clean the streets with such frequency as the commissioner determines is necessary? A. Commissioner determines, and pay him in proportion.

Q. Then, if he went through Fifth avenue once a day, and through Essex street once or twice a day, and through Mulberry street once a day, and through these asphalted streets running east and west, up in the heart of the city, once in two days, that a contract so drawn as to permit the commissioner to determine what the frequency of cleaning requisite to do the work, would be a better form than a contract we have under the present stringent law? A. I think it would be more liberal to the gentleman that invested in the plant; that is, that he could not cancel his contract at a moment's notice.

Q. You think the present letter of the law is impracticably s[illegible] A. I think so; I think it is unfair.

Q. Do you think that it is possible for anyone with any sum[illegible] money to carry out the terms of the present statute; that is, to c[illegible] the city and keep it at all times clean? A. Yes; certainly.

Q. Well, what sum of money do you think it would take to do that? A. About $1,750,000 ought to do it.

Q. You think you could keep it at all times clean with $1,750,000? A. Yes.

Q. Do you think you could keep it at all times clean so that the occurrence which is now occurring on Fourteenth street, for instance, where the litter from the sidewalk is pushed off into the street every hour or two — A. You mean from stores, etc.?

Q. Yes. A. Well, that you have got to guard against by ordinance; that used to be great trouble when we first went into the department; we would sweep Broadway and two hours afterwards it would be littered from one side to the other; every store swept stuff out into the street.

Q. I want to keep now for a moment to this phrase, "to be kept clean at all times;" you say that after Essex street had been cleaned, or after Varick street had been cleaned or after Division street or East Broadway had been cleaned, they may be made dirty again within two hours? A. Well, Varick street is not so bad, but you take Essex and Division and those streets, Ludlow, possibly you have got to clean them twice a day, then, besides that, have policemen; have your ordinance officers there.

Q. Well, do you think that such streets as that — of which there are a good many in the city, are there not? A. Only mostly confined to that locality, and over around West Washington Market; possibly around East Broadway.

Q. — Could be kept at all times clean? A. I think so.

Q. As well as all the rest of the city? A. As well as all the rest of the city.

Q. For $1,750,000? A. I think so.

Q. So that if the streets became dirty within two hours after they were cleaned, there still would be ample means to go and clean them again, even if it took four or five cleanings a day? A. Yes; I mean, to keep them clean.

Q. Then you do not see any reason for this committee's suggesting any change in the peculiar phraseology of the law? A. I do not see any reason, if you are going to continue it, that the commissioner could not, with a liberal appropriation, clean the streets.

By Senator AHEARN:

Q. You would be forced, Mr. Hagan, to keep men constantly in the neighborhood, would you not? A. You have got your foremen; where you hold your foremen responsible — that is the key-note; you have got to have good foremen.

HANS S. BEATTIE, recalled:

Examination resumed by Mr. IVINS:

Q. Mr. Beattie, I asked you to prepare some statements as to the cost; first, the estimated cost of cleaning the streets on the block system; second, the estimated cost of cleaning the streets on a system which should be a combination of the block and machine systems; have you prepared those? A. Yes, sir.

Q. Are those they [referring to papers]? A. They are.

Q. By those it appears that you estimate for the block system; administration, $131,640; that is the present cost of administration? A. That is what is asked in the estimate for '91.

Q. Sweeping, 1,800 laborers, 313 days, $1,126,800? A. Right.

Q. Sweeping, 600 laborers, fifty-two days, $62,400? A. That is for Sunday work; work on Sundays.

Q. Carting of sweepings, labor, $112,488; carting of ashes and garbage, labor, $229,116; sundries, mechanics, repairs, feed, hostlers, shoeing, etc., $100,740; snow and ice, $60,000; that is a larger appropriation for snow and ice than has ever been expended, is it not? A. It is not larger than has been asked; I put in the same amount because it is very indefinite; no one knows what quantity we will have.

Q. Forty thousand is the quantity that has been spent, is it not? A. It is customary to ask for much more, in order to have the money there.

Q. Do you know what the expenditure for snow and ice was in the winter of 1881, which was the last severe winter we had here? A. That was not the year of the blizzard, which I take to be about the heaviest.

Q. No; the blizzard came — that was heavy for a short period, but we had six or seven weeks of continuous snow, and the condition of the streets became such that the mayor tried the police commissioners; they were removed, and the bill under which you are now acting was passed. A. I don't recall the amount.

Q. Final disposition of material, $263,000; rentals and contingencies, $30,000; salaries of police, $73,000; in all, $2,189,184; and you then say that the cost of plant to enable you to operate this system would be $266,537.50; now, let me ask you in that connection why you put the salaries of police there — but, prior to that; how many police are now detailed to your department? A. Sixty.

Q. By whom are they paid? A. They are paid by the police department, but the amount is charged to the street cleaning depart-

ment; that is, it is charged in the mind of the board of estimate and apportionment, as against that department.

Q. That is, is it charged to the street cleaning department against the appropriations made to the street cleaning department? A. It is.

Q. Does it stand on the books of the comptroller's office as a charge against the street cleaning appropriation? A. Yes, sir.

Q. Then it is a charge against the street cleaning appropriation, of moneys which are paid over by the comptroller to the board of police, and by the board of police disbursed to the board of police's own officers, who are detailed to you, and under your command doing your work? A. That is true; that is the system.

Q. Do you call that a system? A. I say that is the system; that is the system.

Q. Now, the combined hand-and-machine system; administration, the same, $131,640; sweepings, $641,829.90; carting, if plant is granted, first six months, $273,447.98; carting, if plant is granted, second six months, $163,182.02; why do you make that distinction between the two semesters? A. If we have to continue the method which is now pursued; we have only a cart of a capacity of forty to forty-two cubic feet; under the suggestion which contemplates the procurement of a plant the introduction of trucks of a capacity of 126 cubic feet is suggested; the expense of carting after you get your plant will be very much reduced, notwithstanding the number of help would be increased.

Q. You mean that you would be getting some of your new plant during the first six months but you would have all of it during the second? A. I think it would take six months to get the trucks built.

Q. Then why do you put in "if plant is granted" as applied to the first six months? A. Simply showing what the cost of administration under the combined system would be for a year.

Q. Snow and ice, 60,000? A. Same item.

Q. Final disposition of material, $263,000; rentals and contingencies, $30,000; salaries of police, $73,000, being $1,636,999.90; there is a difference between these two plans of some $443,000; why, in view of the economy of the second plan, would it not be preferable to the first? A. The first plan contemplates the sweeping of the city, of the entire city; the different streets of the entire city, 360 miles, daily, excepting Sundays, in which about one-third would be swept, that is, by the block system and the collection of the sweepings daily, and as sweepings are made; the second contemplates the sweeping of 240 miles of the 360, and the doing of the work principally by machine.

Q. Now, your estimate for next year, if the present plan be continued,

which is the estimate that you have now made to the board of estimate and apportionment; administration, $131,640; sweeping, $641,829.90; carting, $546,895.96; final disposition of material, $263,000; snow and ice, $60,000; rentals and contingencies, $30,000; new stock, $41,408.65; salaries police, $73,000; total, $1,787,774, which is more than a hundred thousand dollars in excess of the combination plan? A. Yes, sir.

Q. Now, while it is a hundred thousand dollars in excess of the combination plan, would it, in your judgment, be so efficient as the combination plan? A. Not at all; not at all.

Q. Or nearly so efficient? A. No, sir; you will have the same uncertainty that now characterizes the work of the department.

Q. You would have to add, however, if you carry out your combination plan, for the present year, at least $271,254 for plant? A. Exactly.

Q. Which, the plant being paid for, would make the total appropriations about $171,000 more than the appropriations that you now ask for, but would put the city in possession of a plant worth $271,000, which should be carried to the credit of the account? A. Yes, sir.

Q. Now, Mr. Beattie, can you clean the streets of this city on the appropriation of last year — for the present year, I mean? A. Not as the statute expresses the obligation, nor any other man.

Q. Is it not a physical impossibility to obey either the letter or the spirit of the statute on the present basis of appropriations? A. You might as well tell a paralyzed man to get up and walk without some assistance.

Q. And if you do not get an appropriation in excess of the present appropriation, will you hold yourself responsible for the condition? A. Absolutely not, nor the force under me.

Q. Now, if you can not hold yourself responsible, and do not get the appropriation that you ask for in order to enable you to do the work, as, in your judgment, you would do it, will you tell us, Mr. Beattie, how you would justify your continuance in that office? A. I wouldn't try to.

Q. You wouldn't try to justify it; and the responsibility would be on the appropriating board, or body, whoever it was? A. Well, the responsibility, in my judgment, would be upon those who didn't look at the matter as I look at it, but they might be as intensely interested in doing what was right as —

Q. Put it in a way that is much fairer to yourself than that; the primary responsibility for the cleanliness or uncleanliness of the streets depends on those who make the appropriation with which to do the

work, does it not; and, if that primary responsibility is not met, the whole matter ends just then? A. If they believe in the facts; as is well known, it has been assumed to be a custom of departments at times, to ask more than they really need, and I suppose the board of estimate and apportionment looks upon itself as a check upon that tendency; but if the facts, as presented, are such as would satisfy men who are informed about the department, then I think the obligation upon the appropriating power is conclusive.

Q. Do you mean to say, Mr. Beattie, that you would not feel justified in continuing in the office if you did not have the tools given you — the means given you with which to do the work? A. Well, that depends entirely upon what a man's motive in life is, it seems to me.

Q. Well, suppose his motive is the motive of a responsible office-holder? A. I will answer your question in this way, if I hadn't thought that the board of estimate and apportionment, as well as the community, were desirous, when informed, of doing that which is wise, I should have tendered my resignation to the mayor long since; but, having taken the office on the assumption that, if the facts were presented intelligently, as is now being done, to the public and to the responsible officers, that the money would be granted, I continue in office, in the hope of accomplishing that which I took the office to accomplish.

Q. Now, to come to your policemen, Mr. Beattie, how did you come to get those policemen detailed to service? A. I saw that Mr. Coleman — reading over his reports — had suggested, from time to time, he thought it would be of great benefit to the department to have a detail of police similar to that which the board of health has had for years, and that he expressed his regret, in one or two communications, as he also did to me personally, at not being able to get such assistance, and thereupon proceeded to get as many of the Members of the Legislature interested in the passage of such a bill as I could—and I am glad to say that I had no difficulty in interesting both the members of the Senate and Assembly in the passage of such a bill, which the Governor, I understand, signed without raising any objection.

Q. And which added $73,000 to the cost of administering your department? A. Yes, sir.

Q. Do you know whether it added that sum to the cost of the city government? A. Well, yes.

Q. That is, was not the force of police increased correspondingly? A. The force of police must have been increased correspondingly; the men who were detailed on the department were required to have not less than five years' experience, but the board of police were authorized, I think, to increase their number by seventy-three.

Q. Will you describe what the work of your police staff is; how they are assigned to the work and how they perform it? A. Well, there are sixty in all, a sergeant, two roundsmen and fifty-seven patrolmen; they are divided into two squads, one-half assembling from day to day, twice a day, at the office here, headquarters in the Stewart building, and the other portion under the direction of a roundsman at the precinct at the Grand Central depot, and are distributed, under the supervision of the officers named over the city, with a view of preventing the violation of such ordinances as affect the condition of the streets as to cleanliness; that is, the ordinances relating to the throwing of paper or rubbish of any kind on the streets, sweeping into them, and so on.

Q. How often do those men report to the office during the day? A. In the morning at roll-call; in the afternoon or evening about 6 o'clock, when they are dismissed.

Q. How much territory is allotted to each man for the day? A. Well, my purpose in calling for the sixty was to have one in each section corresponding to the reassignment or redistricting of the city for street cleaning purposes; but the sergeant, after trying that, assured me that he could get more work out of the men by assigning them not to any section for any given length of time, but alternating from place to place.

Q. Well, is any man given a particular district to patrol any particular day? A. Oh, yes, from day to day; from day to day he is assigned.

Q. Do you know who has been assigned to Fourteenth street, between Broadway and Sixth avenue, for the last week? A. I do not, I assure you; the sergeant in charge will, no doubt, give you that information; I can't do it.

Q. Do you know whether any complaints have been made of any of the shopkeepers on Fourteenth street during the last fortnight? A. Well, as to what?

Q. As to the thing which is visible to everybody who walks on the street; that they are dumping litter onto the sidewalk all the time? A. I know there is abundant cause for complaint; I can not tell you whether any specific complaint has been made; I complain myself very much.

Q. While you have been complaining haven't you looked to see whether any specific complaint had been made by the officer appointed to do the complaining officially? A. Oh, yes; I glance over their reports almost every day when I have a chance; it would be impossible for me to have done so yesterday, being here most of the time.

Q. To whom are these complaints made? A. To whom are these complaints made?

Q. Yes. A. The complaints of the people?

Q. Yes. A. Why, complaints go sometimes to the board of health; very frequently to our own department; sometimes to the mayor; sometimes to the public works.

Q. These officers make the complaints? A. Oh, no; the citizens; the citizens, I thought, you meant.

Q. I am talking about your own officers? A. They report to their chief; that is, the sergeant in charge, and he reports to the department, the complaint clerk's attention being called to it.

Q. Suppose one of your officers had been on his beat, which included Fourteenth street in it, during the past week, and had found that this shop, or that was turning litter into the streets or onto the sidewalks? A. If he saw any person in the act of violating the ordinance, it would be that officer's duty to arrest, as they inform me they do.

Q. Have you any means of determining how many arrests those officers have made during the past fortnight? A. Yes; I have; I can get you that information.

Q. What is the total number since they went in? A. Gross number since they went on duty, up to last Saturday, was 2,811.

Q. Do you know how many of the people complaining, were held? A. I think about eighty per cent were either imprisoned from one to five days, or fined in small sums ranging from a dollar to twenty-five dollars.

Q. Eighty per cent of them were so treated? A. About eighty per cent were punished in some way, and about twenty per cent discharged; that is my impression.

Q. Has the result of the adoption of this system of using detailed policemen been as satisfactory as you hoped? A. No; no.

Q. Why has it not? A. Well, simply because an officer, however faithful, cannot be in half a dozen places at the same time; my own impression is, that the entire police force of this city is not adequate to enforce the ordinance; that the people themselves must respond to the requirements of law, and that, if necessary, the penalties attached to the violation of ordinances must be made very much severer.

Q. Mr. Beattie, did you hear my question to Mr. Loomis relative to the advisability either of making the department of street cleaning a bureau in the department of public works, or of dividing the department of public works into two departments, one to be a sewer and water department, and the other to be the department which should include the work of cleaning the streets, as well as of opening, paving

and maintaining streets; did you hear those questions? A. Yes; I heard them in a general way, and I understood the drift of them.

Q. Will you then tell us whether either of those systems would be preferable to the present one, and, if so, which? A. Well, if I understand you, or your question to be that everything pertinent and applicable to street cleaning, the keeping of the streets clean, shall be under the jurisdiction and supervision of one man; I say, I prefer that.

Q. There are two ways; one is to let the department of public works to continue just as it is, but throwing into it all the work that is now done by your department; the other, is to divide the department of public works into two departments, one of which shall have control of the sewage and water system, or, let us say, everything that is below the surface of the street, and the other of which shall have control of everything which relates to the surface of the streets; that is, grading, paving, opening, maintenance, repair, sprinkling and cleaning? A. Well, I think that the department of street cleaning should have some control of the sewers; if the sewers were built, as in my impression, they ought to be.

Q. You mean to say the department of street cleaning should have some control of the sewers? A. I think it should either have some control of them, or be permitted to use them; for instance, I don't think it possible to successfully clean some streets of this city without thoroughly washing them; I think that the very best system that could be introduced anywhere for the cleaning of the streets; but I have been informed that in this city, the sewerage is not equal to the delivery of such matter as might find its way into the sewers from thoroughly flushing them; I have made the test myself for a sufficient number of days and nights, to show how thoroughly clean the dirty portions of the town can be made.

Q. What streets did you make that experiment in? A. Bayard, Essex, Baxter, West, Canal, Nassau, South Fifth avenue; I should think in about twenty, all told; and I did it at the suggestion of Purroy and Mr. Siebold, Mr. Siebold being formerly, I think, deputy street cleaning commissioner, the same sort of experiment having been made under their supervision and inspection and having been by them pronounced a success.

Q. Well, did you find that the sewers through that part of the city were sufficiently large to permit the flushing, and to carry off the sewage which was washed into them by the use of the hose? A. Well, I had an impression at the time, which has never been removed, that very little solid matter went into the catch basins, but inasmuch

as the department has no control of them, or of the sewage system, I felt that the officers responsible should be conclusive in their judgment upon my use either of the sewers, or of the water for street cleaning purposes.

Q. Well, was the stream which you put on those streets sufficiently strong, and did it run into the sewers with sufficient strength to hold the matter in suspense, and to flush the sewers also? A. I think in the cases where the sewers were free that that was the result; in the cases where the sewers were not free, naturally the addition of any matter helped to check them.

Q. You think if the sewers be free, whatever is flushed in ought to be flushed out by the same means? A. It ought to be; the sewers should terminate into the st ream, but they do not; they frequently terminate at the bulkhead line; if they terminated in the stream, then the tide would carry off that stuff.

Q. You described that district as the dirtier part of the city; is that the district which is inhabited by the Poles and the Italians? A. Yes; all sorts of people are to be found there.

Q. Is that the district in which the streets are occupied very largely for market purposes on Friday nights? A. Yes, sir; and during the daytime also — several times a week — Tuesday and Fridays.

Q. Well, that is particularly so on some one given night in the week, is it not? A. Friday, I think; some of these gentlemen can tell you better than I can; I think Tuesdays and Fridays.

Q. Have you found the condition of the streets to be peculiarly dirty because of that in that neighborhood? A. So much so that we have been compelled to keep a special detail of men and carts as long as we have been able to afford it for that section.

Q. Now, what are the hours of your police force? A. They report at the Stewart building here at 8 o'clock in the morning for roll-call, and are dismissed at 6 o'clock in the afternoon.

Q. Have you ever had any of those policemen detailed to evening or nightwork in that district, particulary on the market nights? A. Yes, sir; we had eight men.

Q. Has that been found to be of any service? A. Very much for the time being, and for a few days after; and I might also say that the mere publication of the arrests and the imposition of fines or punishment was helpful for a time, but such matters became uninteresting.

Q. The broom is growing old, or the people are becoming familiar with it; that is what you mean, is it? A. Yes.

Q. Well, is this kind of police force the kind concerning which

familiarity breeds contempt, this one that you have; why don't they pay any more attention now than they did before? A. I don't quite understand that question; I didn't know that any policemen in this town was held in contempt by any good citizen.

Q. You say these people do not seem to be afraid of them? A. I did not make any such statement; the moral effect of arrests which were published immediately following the appointment of these men, and that publicity given through the press, without which the people do not know of the passage of laws, was for some two or three months very effective.

Q. Has it ceased to be effective? A. Not wholly; no, sir.

Q. Has it ceased to be so effective that they do not seem to pay any attention to it? A. I think if every arrest made by these men, and the cause for the arrest, and the reason assigned by the police justice for the disposition of the case were published in all the papers of this city morning and afternoon, it would have more value to the department than the sixty policemen.

Q. Do you not think that the newspapers of the city could render a great service to the city by reporting what your department is doing and what I am doing rather than by printing your picture and my picture? A. If I were a gentleman possessed of study, I might not take exception to it.

By Senator Ahearn:

Q. In connection with this force of sixty policemen, before the passage of that bill, did you ever make an application to the police department to detail men there, instead of having a bill passed through the Legislature? A. No, sir; I made no official application; I talked, I think with Commissioner Vorhees and Commissioner Martin, and I also talked with the superintendent — Superintendent Murray — and they claimed that the number of policemen — was so small now in comparison with what number they wanted, that they could not very well spare men for that purpose.

Q. And therefore you did go to the Legislature and ask them to pass a bill to detail these men? A. Yes, sir.

By Mr. Ivins:

Q. Do you know of any organ of publicity in this city other than the newspapers? A. Well, the *City Record* I suppose might be considered.

Q. Well, you would not seriously speak of the *City Record* as an organ of publicity? A. I know the contracts of the street cleaning department are published in it and in it only.

Q. But is there any organ of publicity do you know, through which the electors and citizens of this city can find out what is being done by the department of the city government, other than the newspaper press? A. No, sir; not to my knowledge.

Q. Now, to your knowledge, does the newspaper press give any real publicity as to the facts of municipal government in this city, in anything like detail? A. Not in detail.

Q. Or adequately? A. Not in detail; people would cease to read the newspapers if they gave it in detail, I am satisfied, if they did; but taking the whole thing, I think men get a fair idea of what is passing from the press.

Q. Do you know what the budget for this year is likely to be? A. I do not. I hope it will be larger on account of my department's needs than it was.

Q. Do you know it will be something like $32,000,000 at least? A. I would not be surprised.

Q. Has your attention ever been called to the fact that there is [illegible] $[illegible] A. Yes, sir; I think I had one [illegible] about it.

Q. Now, [illegible] expenditure of $[illegible] or over, is under dis- [illegible] day to day by the heads of departments and [illegible] departments is not? A. Yes, sir.

[illegible] any statement in any [illegible] giving anything like fair or [illegible] now taking place with [illegible] I have not; I have not [illegible] interested in municipal [illegible]

[illegible] any person can become [illegible] affairs unless he goes [illegible] get at what informa-

[illegible] press of your [illegible] the increase [illegible] with [illegible] newspaper readers of [illegible] which you [illegible] man who [illegible] the [illegible] published [illegible]

[illegible] the board here

given any such publicity as to enable the taxpayer to understand the merits of the controversy? A. No, sir; I think not.

Q. Is it not a fact that the newspapers then are the only source of publicity, and that publicity is really a public function without which we can not interest the community? A. That is precisely why I have always favored the publication of what is done by official bodies at the expense of the community, because I think in the long run they save money by it.

Q. That is exactly what I am coming to; have you ever examined the question as to whether or not it would be possible, through a proper commission of accounts, or through a proper person especially appointed to perform that function, to prepare statements of the work which is done by the public officials, and to have those statements published at certain times, regularly, as advertisements in the great daily newspapers? A. I think such a man ought to be entirely independent of every head of department, and the head of the city government included; if he had to make up any such statement, I think he ought to be absolutely independent of the appointing power.

Q. Are you familiar with the circumstance which led to the creation of the *City Record?* A. Well, I have a general idea of it growing out of some small sheet, the title of which I forget, way back in the sixties; if you will draw my mind to a few of the facts, as to the index, or something of that kind—

Q. As head of a city department, is it your judgment that the *City Record* in any way secures for the city and the citizens that publicity which is really requisite to enable the citizens to judge fairly of what is doing in the public departments? A. I do not think that one-half of one per cent of the community know anything about it from day to day.

Q. So far as publicity is concerned, it is fair to treat it as a failure, is it not? A. Oh, absolutely so, of course.

Q. You say that you have a knowledge as to the fact that it has not given publicity to the affairs of your department? A. I do not know how it can; for instance, we are advertising now for bids for feed, and I can not understand how the people who are generally in that business can know anything about it; only those who make it a habit of following out the wants of the department can find out about it, see whether you advertise or not.

Q. Take a more important matter, the matter of your estimates for the coming year; they have all been published in the *City Record?* A. Yes, sir; twice.

Q. But published in connection with the entire provisional estimate? A. Yes, sir.

Q. Making a very large and bulky volume? A. Yes, sir.

Q. And a volume which nobody but officials or those specially interested consult? A. Yes, sir.

Q. Now, suppose instead of that there were a requirement that your estimate had to be published, of a summary of your estimate had to be published for a certain number of days in three or four of the daily newspapers, would not that fact subserve very much better the acquainting of the people with the facts? A. I think that then they would have had some knowledge of the past.

Q. Now, do you believe that money expended in such a way, if it does result in such actual publicity, is well expended? A. Very well spent.

Q. And that failure to do it is a false economy? A. That is my impression.

Q. Now, to go back to the matter of flushing the streets; in your judgment, has the city of New York ever once been absolutely and thoroughly clean? A. No; not since the time when householders used to clean the streets themselves; nor even then, I imagine.

Q. Now, suppose the city were once thoroughly cleaned, so that you might say every stone would be thoroughly polished; after that, do you not think the flushing system could be used without any detriment to the sewers? A. I think at the present time, under close inspection of the broom men of the department, that the streets could be successfully cleaned by flushing without burdening the sewers; now, that is the opinion of a man who is not an engineer.

Q. Under the present system? A. Under the present system; but I say that is the opinion of a man who is not an engineer; I can not go into the capacity of the sewers; it is a mere general impression.

Q. And the impression would be even stronger provided you once get the city thoroughly cleaned? A. Oh, then there could not be any doubt about it.

Q. Have you any knowledge as to the prices which are paid by private parties in the city for having their streets privately cleaned? A. Yes, sir; I have some information on that subject.

Q. Well, just tell us what it is? A. On the strip of asphalt running from Twenty-third street to Thirtieth or Thirty-second street on Madison avenue, the Barber Asphalt Company employ a man to not exceed 700 feet, and they pay him eleven dollars per week for ten hours work per day.

Q. Six days? A. Six days; he is simply paid for the sweeping of

the street during the hours of his labor, sweeping the dirt into piles, to take them up and place the matter in receptacles, which matter is taken away by the department of street cleaning once a day from those receptacles.

Q. He has nothing to do with the ashes and garbage? A. He has nothing to do with the removal even of the street sweepings.

Q. On that basis, what would it cost New York city to do the same work? A. Oh, it would cost the city nearly $3,000,000, an the basis of that charge, paying men eleven dollars a week.

Q. On the basis of the payments now made by the private individuals for private cleaning? A. Yes; as to another company their charges are twelve cents per running foot, which, for the sweeping alone of the 360 miles of pavement, would give us $2,770,000 and odd dollars.

Q. And that would be only for sweeping? A. Yes, sir.

Q. And it would not touch parting and final disposition? A. It does not touch final disposition at all.

Q. Ashes and garbage? A. It does not touch final disposition at all.

Q. Do you know Mr. Beyers? A. Yes.

Q. Is he in the street cleaning business? A. He is a contractor, and does some work between Seventeenth and Twenty-second streets on Broadway.

Q. Do you know what is paid Mr. Beyers for cleaning those blocks on Broadway? A. He is paid one dollar a week for storage property for each twenty-five feet frontage; that is two dollars per week for storage property of twenty-five feet lineal extent of street.

Q. I do not understand that? A. Well, there are two twenty-five feet to each street, I mean of house property.

Q. That is twenty-five feet on each side of the street? A. Yes; he charges a dollar a week for each twenty-five feet of property which is occupied by a store; if a private dwelling, a month.

Q. The Broadway property I am talking about now? A. It is fifty-two dollars per annum for each twenty-five feet frontage.

Q. And the frontage on those blocks is 200 feet, is it not? A. Yes.

Q. That would make a cost for that work alone of about $3,000,000 to the city, would it not? A. I figured it once for 360 miles; you see the city would have to clean the strip between the blocks; I think I figured it up once at $2,880,000, and something.

Q. To which would have to be added, as in the other case, the removal of ashes and garbage and final disposition? A. The removal of ashes and garbage and everything incident to it.

Q. Mr. Beyer's work is much more satisfactory than yours, is it not? A. Undoubtedly — keep men working all the time, or alternate, you mean; it is all a question of labor.

Q. If you have any suggestions or recommendations to make in regard to legislation or otherwise, particularly in regard to any change in the phraseology of the statute, or any power to be given by statute, to contract on the part of the department, or any recommendation with regard to change in the department, or consolidation of departments, we would like to have you make them now? A. Well, I prefer not to answer as important a question as that, without an opportunity to consider the matter.

Q. Very well; will you prepare a statement of your recommendations and have it here at the next meeting of the committee, which will be next Monday? A. Yes, sir.

By Senator STEWART:

Q. When will your estimate be settled on for the coming year; when will the board of estimate and apportionment settle on them? A. Sometime between now and the last of the month, Senator; I do not know what day they will take the matter up.

Q. Mr. Beattie, I understand about $1,200,000 is what they gave you last year? A. One million two hundred and fifty-five thousand dollars; yes,sir.

Q. And with about $2,000,000 do you think you could keep the streets of New York clean? A. I think about what we figured on yesterday; with that amount the city can be kept in very satisfactory condition.

Q. It can not be kept clean on $1,200,000? A. It is not possible.

Q. And you or any other man who had $2,000,000 and did not keep the streets of New York clean, would be a fit and proper person to remove from the commissionership? A. That follows.

By Mr. IVINS:

Q. Mr. Beattie, have you met any obstacles in the way of doing this work by contract as incident to the conditions of the laws themselves? A. Yes, sir.

Q. What is it? A. Why, that eight hours constitutes a day's labor, which makes the day shorter by one-fifth than that of the ordinary contractor's day.

Q. In other words, a private corporation has a ten hours' working day, but you, as a municipal government, have to be satisfied with an eight-hour day? A. Quite so.

Q. Well, what else? A. Well, I think it is directly in line with the expressed wish of the people, that the heads of departments recognizing the passage of such legislation as we have had — for instance, that fixing the hours of labor for a day at eight, and the alien contract labor law, passed by Congress, following the investigations which was had, I think in the summer of 1888, here, by a congressional committee, in which the effect upon the character upon the citizenship — of employing them by contract, and the tendency—

Q. But, Mr. Beattie, do you not misapprehend the meaning of that alien contract law? was not that simply the question of importing aliens under contract? A. That was the question, but it is of the same general character and purpose as expressive of the intent of the legislature with regard to public employment, which, I take it from my limited reading, indicates — at all events it indicates to me that it is not the sole purpose of the people to have their public work done at the lowest possible figure which might obtain between contractors in private business life, competing the one with the other.

Q. What do you mean by the people? A. The whole body of people.

Q. You mean the very people who do this work themselves, or the taxpayers and the people generally? A. When the Legislature passes a law, I take it that in the passage of that law they are expressing the will of the majority of the people, and it is the duty of public officials to take notice of that expression of opinion.

Q. You think the Legislature have expressed the opinion of the majority of the people of this city when they allowed the street car companies to sprinkle sand over the street? A. I think the whole body of the Legislature did express the wish of the people of the State.

Q. What people? A. Of the State.

Q. Do you think there was any wish on the part of the people of the State of New York, as a people, that the people of the city of New York should be allowed to throw dirt on the streets without opposition, against the express desire of the mayor and the people? A. I must unquestionably infer what the wish of the people was from the legislation passed.

Q. You make an inference; now, tell us honestly whether it is a fair inference? A. I can not answer that question in that way, for whether they liked the system or not, we have got to take it; that is the very best —

Q. Or go and try to get it changed? A. Precisely.

Q. Now, suppose this committee would recommend the repeal of chapter 504 of the Laws of 1888, would you co-operate with this committee to secure the repeal of that measure? A. I would, right away.

Q. Very heartily? A. I would, right away; there is no question about that.

Q. The Legislature, acting under the assumption of expressing the will of the people, may frequently not express the will of the people, as shown in this case; if that be the case, I want to know why you pay so much attention to the mere inference as to what the will of the people is as shown by legislation relating to the contracting of public works? A. They did express by inference the will of the majority.

Q. Has the Legisture of this State, or the Legislature of the United States, ever done anything to compel the work of public departments to be done by direct labor instead of by contract? A. By inference. I think the Legislature has time and again expressed itself in favor of the prevention of a cheap labor market, as being detrimental to the welfare of general citizenship.

Q. Well, leave aside the question of the cheapness of the market, and come to the question of the character of the employes? A. Competition undoubtedly reduces prices, and when the Legislature says that the men employed in a public department shall not work more than eight hours, it indicates to me that it does not expect the head of the department to work them ten hours.

Q. So far as you know, is not New York city the largest employer of labor in the United States? A. I should say it was the largest in the world.

Mr. IVINS.— I will say to the committee that I have tried to get the figures, and as far as I could find out, there is no single corporation which employs so many people and pays such a large pay-roll as the mayor and commonalty of the city of New York.

Q. Now, is there any reason why the mayor and commonalty of the city of New York, as a public corporation, as a business as well as a political corporation, should be compelled to employ its labor in a different market from among different people for a different term — length of day, that is — and at a different rate of wages from any other corporation whatever? A. If the corporation were a corporation in all fours with those to which you refer, I would say no, there is not.

Q. Well, is not the chief difference this, that its task is much more difficult and much more complex? A. Precisely.

Q. And therefore it ought not to be put in a disadvantageous position, ought it? A. On the contrary, the assumption of all public organizations is that — in my humble judgment — the evolution of character, the build of citizenship, has got something to do with the concerns of the community, and I think that all such legislation has sprung out of that sentiment on the part of thoughtful men, and therefore I can not look upon the public corporation as the equivalent of a private one.

Q. Have you ever called up those contracts which were written by Mr. Loomis and submitted to the corporation counsel? A. I never have.

Q. Have you ever talked with the mayor about doing work by contract? A. Well, very little; I have to some extent; I have expressed the same views to him that I have expressed here, namely, that on a long contract, a contract for a long term, you could do the work for about the present appropriation; I said that to him, I think, before I went into the office; I have said it several times since; and the reasons are obvious why it could be done.

Q. Then, in your judgment, if you get a repetition of last year's appropriation and no more, the only way for you to use that appropriation so as to clean the city is by contract for a long term? A. That would be the alternative; and you can see — if the chairman will permit me for a moment — a private corporation would certainly have an opportunity of making some money out of this question of final disposition; the city on any appropriation which the board of estimate and apportionment may make, will not have enough money to realize out of this matter of final disposition what a private corporation could, so that, as a matter of fact, the private corporation would be getting more money than the department has been getting from the board of estimate and apportionment; we take in, for instance, for the privilege of scow trimming this year — I think for the eleven months — $53,000 and odd; well, that goes into the general fund.

Q. Prior to 1881 that was not a source of revenue to the city, but a source of expenditure, was it not? A. So I understand; well, there is an item of say about $60,000 a year, which a private corporation would have the benefit of.

Q. Explain a little more fully what you mean by scow trimming? A. It is the collection of tin, glass, rags, anything.

Q. In other words, certain persons pay the city a premium for the privilege of going through this material and picking out that which can be marketed? A. Yes, sir.

Q. Such as coal, rags, bone, tin and everything of that kind? A. Yes, sir.

By Senator AHEARN:

Q. What will that amount to? A. It will amount to, this year, about $55,000; now, again, if a private corporation had the contract, on an outlay of money for the securement of the proper plant, they could probably get an ordinance passed requiring the separation of ashes and garbage, and if there was any money to be made out of cremating — I don't know whether there is or not — they could make it; the city should not enter into such a business; the ashes which are left I have no doubt could be sold for some figure, whereas, at the present time, we have to pay from twenty-five dollars to thirty dollars up to as high as sixty-six dollars for the removal of this scow load of matter, 450 cart-loads, for instance, instead of realizing anything from that, it is a cost to the department; a private corporation would have the benefit of all these operations which it is impossible for the city to enter into, and which, in my judgment, it should not enter into.

By Senator STEWART:

Q. How many cart loads a day are collected? A. We have averaged for the past three or four months about 31,000 loads per week; one day this month we collected close on to 7,000 loads in this city, of ashes, garbage and street sweepings; the estimate which Mr. Coleman made for the year was 1,340; we will have reached by the end of December one million and a half of matter; the quantity for final disposition will be in excess of eleven per cent of what the estimate was, and that is why we have been so short on the question of money; I am simply making these suggestions with a view of showing how easy it would be for a private corporation to take the present appropriation because it would pocket whatever it made out of the disposition of matter, whereas it is a cost to the city; it is a charge upon the city to get rid of it.

Q. Would you think it possible for the city to own a plant for the final disposition, for the cremation of it? A. No, sir; I think that is a fair field for private enterprise; for my own part the only reason for my expressing any view in favor of the doing of the work direct, the doing of the work of street cleaning is, that it is a continuous obligation on the part of the city.

Q. Do you think, Mr. Commissioner, that any private individual could take the risk of putting a quarter of a million of dollars in a plant for burning garbage if he did not know how long the city would

give him the contract; I do not think it is possible to get a man to bid in good faith under any such circumstances, and I might say here, for the information of the committee, that the only responsible offer which has been made to do this work involves an outlay of $450,000 for the disposition of garbage alone.

By Mr. Ivins:

Q. Who made that offer? A. Well, I forget the title of the company — Merz — a company that has a plant I think in Detroit, and it had one in Buffalo.

Q. Who was the man who made the bid, made the offer; do you remember that? A. The secretary and treasurer is a man named William Grevel, 1718 Broadway; and I think Mr. Fleischman is the president of a branch company in Buffalo or Detroit — that is for the collection and disposition of garbage alone.

Q. Now, I want to ask you one further question before we adjourn; are you familiar with the origin or history of the board of estimate and apportionment? A. Well, when you put those questions, I do not know just what you think constitutes familiarity.

Q. I simply want to know if you know, so that I can get it on the record if you do? A. Generally.

Q. Do you know, for instance, that the board of estimate and apportionment was Mr. Tweed's conception? A. No.

Q. And that it was really copied from one of the Tweed charters? A. Well, I know it is a legacy.

Q. Now, you know that under the charter of 1873, the mayor was the only elective member of that board? A. Yes, sir; that I know.

Q. Except the president of the board of aldermen; and that the president of the board of aldermen was chosen by the board of aldermen? A. That is right.

Q. So that the only person who was directly elected was the mayor? A. At that time.

Q. Now, the comptroller and the president of the board of aldermen are directly elected, so that three out of the four are directly elected? A. Yes, sir.

Q. Now, as a head of a department, I want to know whether you think that the financial affairs of the city would be better administered, appropriations to departments made in such a way as would give departments greater ability to do what is expected of them, if that board was no longer required to make all appropriations by unanimous vote? A. I think that would be a very desirable change in the law, very desirable.

Q. Now, as it is to-day, an appropriation asked for may not be made because of the vote of anyone of those four? A. Precisely.

Q. Each of the four has an absolute veto? A. Yes, sir.

Q. Now, is it not a fact that if he is a political opponent he is too frequently placed in a position where he can put a veto on an appropriation? A. I regret to say so.

Q. Now, can there be even party responsibility if one individual in the opposition party can so far place a veto on appropriations as to prevent the party in power from doing its own work? A Something entirely foreign from the merits of the question may prevent that being done which ought to be done in such a case.

Adjourned to Monday, December 29, at 11 A. M.

MONDAY MORNING, *December* 29, 1890.

Present — Chairman Hendricks, Senators Ahearn and Birkett.

STEPHEN H. MOORE, being called as a witness and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Moore, what is your business? A. Foreman of the street cleaning department.

Q. What is your district? A. The sixth.

Q. How long have you been in the street cleaning department? A. Since the eighteenth of February.

Q. Of this present year? A. Of this present year.

Q. You were appointed by whom? A. Under Mr. Loomis.

Q. Did you see Mr. Loomis prior to your appointment? A. Yes, sir.

Q. Did you see Mr. Hagan prior to your appointment? A. Yes, sir.

Q. Who made the appointment, Mr. Loomis or Mr. Hagan? A. Well, Mr. Loomis made the appointment.

Q. Did Mr. Hagan recommend his appointing you? A. No, sir.

Q. By whom were you introduced? A. Through Recorder Smith.

Q. Through Recorder Smith? A. And Judge McQuade.

Q. Judge McQuade is a Tammany Hall leader, is he not? A. Yes, sir.

Q. In the twenty-first district? A. Twenty-second district.

Q. Are you a member of the organization? A. Yes, sir.

Q. Were you appointed as a member of the organization? A. I think so.

Q. You applied for appointment as a member of the organization, did you not? A. No, sir; not as a member of the organization.

Q. Had you ever had any experience in the handling of men or the cleaning of streets prior to this time? A. Yes, sir.

Q. When and where? A. Contracts; the contract system.

Q. Were you a contractor yourself? A. No, sir.

Q. With what contractor were you employed? A. I was engaged in the building of the Broadway railroad in Melbourne, Australia, putting in the cable road there, and I put in the third track at Tarrytown, and the work in Sixty-fifth street, the grain elevators and a good many other smaller matters.

Q. Will you tell us what difficulties are encountered by you in keeping the streets of your district clean? A. Well, I have about one of the worst streets in the city of New York.

Q. That district takes in what Assembly district, for instance, or part of what Assembly district? A. I don't know as I am able to answer that question.

Q. Where does it lie? A. My north boundary line is Broome, from the boundary to the East river; the west bound line is the Bowery, from Broome to Division; the south bound line is from Division to Montgomery, and from Montgomery to the river; it takes in 172,490 square yards.

Q. How many miles of street are there in that district? A. I am unable to answer that.

Q. You have given the area, that means the total area of the district? A. Yes, sir.

Q. Not the street surface? A. That is the total area of the district.

Q. You say you have one of the most difficult districts? A. Yes, sir.

Q. Is the Polish-Jewish settlement in that district? A. Yes, sir.

Q. Well, now, go ahead and tell us what difficulties you encounter? A. With the market; the Hester street market runs all the way from Allen to Clinton on Hester street; Norfolk, Suffolk, Essex, Ludlow and Orchard; the dumping of ashes and everything, and throwing stuff in the street all through the market there, and wagons and trucks standing there — there is 172 wagons standing in Essex street, from Broome to Division, the corner of Canal and Division; I have got them to remove and take out of the way and sweep behind them.

Q. How many wagons are there there, have you any idea? A. In Essex street?

Q. Yes. A. One hundred and seventy-two.

Q. No; I mean in the whole district? A. I never counted them in the whole district.

Q. Are there 2,000? A. No; I should not think there were.

Q. Will they average ten to a block? A. Oh, yes; in portions of the district there are no wagons standing at all.

Q. But you think over the entire district they will average ten to the block? A. Yes, sir; more than that.

Q. Now, you can not use sweeping machines through those districts at all, can you? A. No, sir; only about a stroke and a half of the machine.

Q. You mean the width and half again of that machine? A. Half again; that gives the car track and half on each side.

Q. Do you use the sweeping machine through those streets? A. Yes, sir.

Q. How many men have you under you? A. I have twelve men and fourteen carts at the present time.

Q. How many squads are they divided into? A. They are divided into three different squads.

Q. How frequently do the men and the machines in your district actually sweep up the dirt from the street? A. They sweep a half portion one day and a half the next.

Q. Then they sweep the entire district in two days? A. In two days.

Q. In two days? A. Every other day they sweep half the district.

Q. How many of the carts in your district are on ashes and garbage? A. They exchange routes; each cart takes up dirt and ashes.

Q. Dirt and ashes alone? A. Yes, sir; as they go along.

Q. So that they take them up indiscriminately? A. Yes, sir.

Q. Put the dirt and ashes and garbage all together? A. Yes, sir.

Q. Into one cart? A. Yes, sir; into one cart.

Q. That makes it practically impossible to separate the dirt, ashes and garbage afterwards? A. Without you have ashes routes and dirt routes.

Q. How often do the carts take up the dirt which has been swept into piles in the streets by their machines or the men? A. Every day.

Q. How quickly do the carts follow up the men to take up that dirt? A. Well, on some routes they take it up soon after it is swept; I commence sweeping at 5 o'clock in the morning, and the carts commence at 6; on some routes, on Grand street, Bowery and Canal, it is taken up as soon as it is swept.

Q. Does it ever happen that while it is swept up early in the morning, it is not taken off by the carts till late in the afternoon? A. Yes, sir.

Q. Then in that case, it gets scattered through the streets again, does it not, by drifting? A. Well, not much.

Q. In case of ugly weather, snow, wind and rain? A. Well, then we sweep it into the gutters.

Q. When is this sweeping done; do the men work at night? A. The machines work at night, and the men work during the day.

Q. Do the machines work at night, whether it is clear or whether it rains? A. Just the same.

Q. Just the same? A. Yes, sir.

Q. Do the machines work as well in rainy weather and on wet pavements, as on the dry? A. Well, of course, they can not sweep as well when it is very wet, as they can when it is dry.

Q. Have you an assistant? A. Yes, sir.

Q. Do you look after all three squads of men? A. Yes, sir.

Q. Do you look after all the carts? A. Yes, sir.

Q. Now, how do you manage to look after all three squads of men? A. My detailed man looks after the sweepers.

Q. What do you mean by the detailed man? A. my assistant.

Q. He is a laborer detailed to assist you? A. Yes, sir.

Q. He looks after the sweepers? A. Yes, sir.

Q. Do you not look after the sweepers yourself? A. Certainly; when I pass along, I see if they are doing anything wrong or going wrong; they are subject to my orders.

Q. How frequently during the day do you suppose you see each squad of sweepers? A. Well, from three to four times a day.

Q. Their day's work is eight hours? A. Eight hours.

Q. How frequently does your detailed assistant see those? A. He passes from one to the other all during the day.

Q. All during the day? A. Yes, sir.

Q. Through this district? A. Yes, sir.

Q. One end of the district is a half a mile or a mile away from the other, is it not? A. Yes, sir.

Q. And these squads may be separated by that distance? A. Yes, sir.

Q. He gets around on foot? A. He gets around on foot; yes, sir.

Q. Then he does about all he can if he sees each of these squads himself, three or four times a day, does he not? A. Yes, sir.

Q. That is, sees each squad every two hours? A. Well, every hour, he passes back and forward all the while.

Q. How long does he stay with one of those squads? A. Just to give them orders and see what they are doing and see if they are

doing their work right, go over their work and see if they have done it right.

Q. Then how does he check off whether or not they have been sufficiently busy, cleaned sufficient of the street? A. I look after that myself.

Q. What do you allot to a squad as a proper day's work? A. Well, we give them so many streets.

Q. How do you give them to them? A. Make them sweep so many streets; one gang commences and sweeps Grand street, then Canal and the Bowery.

Q. Suppose you tell them to sweep so many blocks on Grand street for a day's work; do you do that? A. No; they change from one place to another.

Q. Do you, at the beginning of the day, lay out the day's work? A. It is all laid out in routes.

Q. And laid out in volume as well? A. Yes, sir.

Q. Now, suppose they do not get the amount of work that is laid out for them in that way done, they get full pay then, do they not? A. They do that for me overtime, individually for me.

Q. And don't get paid for it? A. No; they have never asked for it in that department; they do it individually for me.

Q. Then there is an element of personal relation between yourself and your squad, which is utilized for the public good? A. Yes, sir.

Q. But in which matter the public have absolutely no rights, however? A. They have pride in their district to keep the routes clean, and if it takes them longer, they do it.

Q. And in that way, by maintaining a good feeling, an *esprit de corps*, you get your day's work done whether it involves a legal working day or more? A. Or more.

Q. What difficulties do you meet with as incident to the failure to enforce the health and general city ordinances, in your district particularly? A. Well, in the market, throwing stuff, as I have said before, in the street; they are not particular in that part of the city at all; if they have a pail of stuff they want to get rid of they dump it in the street.

Q. Are any police officers now allotted to your district by the commissioner? A. Yes, sir.

Q. How many officers do you have assigned to you each day? A. I have had one and two.

Q Now, tell us what the officers do? A. They walk around through the district; they take the worst part of the district, all through this market, they walk around through there and, in case of a violation of

the corporation ordinances, they will make arrests, there has been forty-three arrests in one day.

Q. Have you ever followed up to see what became of those arrests? A. Yes, sir.

Q. Take that case of the forty-three arrests, what was the ultimate outcome of it? A. They was all discharged.

Q. They were all discharged? A. Yes, sir.

Q. What justice did they go before? A. Justice Hogan.

Q. Then they might just as well not have been arrested so far as the street cleaning is concerned? A. Yes, sir; this was what we call a raid.

By Senator AHEARN:

Q. You don't mean to say that; you mean they were reprimanded, do you not? A. Yes, sir.

Q. Did you find that any of those people ever committed the same crime again? A. Yes, sir.

Q. Did it have a tendency to stop them from doing it? A. No, sir; they would do the same thing over again, and do it for spite.

Q. After they had been arrested? A. After they had been arrested.

By Mr. IVINS:

Q. Have you ever heard any of them say anything about how they all succeeded in getting off? A. No, sir; they don't talk so I can understand them.

Q. But they succeeded? A. Very few of them speak the language, or will speak it.

Q. Do you have anything to say about the men who are appointed to work under you? A. In what respect do you mean?

Q. On your force, either as drivers or sweepers? A. Yes, sir.

Q. What do you have to say about that? A. About their not doing the work?

Q. No; about their being appointed in the first instance? A. No, sir; I have nothing to do with that.

Q. Have you ever had occasion when a man was assigned to your squad to say that you did not think he was fit for the work? A. Well, in some cases; yes, sir.

Q. How many cases of that kind can you remember? A. Not more than one or two.

Q. And did you at the time they were assigned say you did not think they were fit? A. Gave them trial.

Q. You gave them trial? A. Yes, sir.

Q. Did you have doubts as to their fitness even before you gave them trial? A. No, sir.

Q. How many men have you recommended the discharge of from your squad? A. I think it is two.

Q. During the past year? A. Yes, sir.

Q. Why did you recommend their discharge? A. Because they were not able to do their work.

Q. Were not physically able? A. Well, put a little laziness with it, I suppose.

Q. What do you suppose is the average age of the men on your squads? A. Well, I think the oldest man is 54.

Q. And the youngest man? A. They run down to 23.

Q. What are they? Americans, Germans, Irish, Italians, or what? A. I have Irishmen and Italians.

Q. The Italians are younger men than the Irish? A. No, sir; about the same age.

By Senator AHEARN:

Q. Do you mean to say that there has ever any man been arrested for a violation of the corporation ordinance and brought in before a justice and after being reprimanded, he went out and committed the same offense and was brought in before that same justice and discharged the second time? A. No; not the second time.

Q. Do you not think it would be an injustice for those poor people, who did not know anything about the law, who did not speak the English language, to be brought in there and fined for an offense they know nothing about? A. I think they know pretty well that they are committing a crime, for they watch their chances.

Q. You do not understand them when they speak? A. We have always an interpreter in court.

Q. The trouble about your force is you have not got men enough under you? A. Yes, sir.

Q. It would be hard to clean your district? A. Yes, sir.

Q. You have only twelve men? A. Yes, sir.

Q. And you ought to have fifty? A. No; not fifty.

Q. Well, very near fifty? A. I could do with less than that; I could do it with sixteen.

Q. You could keep it clean with sixteen? A. Yes, sir.

Q. Essex street, Bayard street, Division street? A. Yes, sir.

Q. How long have you been in that neighborhood? A. Ever since I have been in the department.

Q. Since when was that? A. The eighteenth of February.

Q. You could keep that section of the city clean with sixteen men? A. Yes, sir; I have done it.

DANIEL M. SIMPSON, being called as a witness and duly sworn, testified as follows:

By Mr. IVINS:

Q. What is your business? A. I am foreman in the street cleaning department.

Q. In what district? A. The tenth.

Q. What are the boundaries of that district? A. It begins at the Bowery and Houston street and takes in all the Bowery up to Sixth street, crosses Sixth street to Avenue B, to Seventeenth street, to the East river, and then down the East river to Houston, and up Houston to the place of beginning.

Q. How long have you been foreman? A. Since the 4th of June, 1890.

Q. Were you appointed by Mr. Beattie? A. Yes, sir.

Q. At whose request were you appointed? A. I don't know as at anybody's in particular; I went and passed the civil service examination.

Q. Are you a member of Tammany Hall? A. Well, I am not what you might call an active member.

Q. Simply a supporter? A. Well, the same as I suppose any one might do, cast their vote.

Q. You are not an official of the organization in any way, are you? A. No, sir.

Q. Are you a member of the committee in the district? A. No; I can't say that I am.

Q. How did you happen to make an application for this vacancy? A. Well, I was looking for something to do and happened to pick up the *City Record* and looked through the different offices, and I filed my application for examination for the position of foreman and also one for the position of clerk; and I was called upon, passed the examination, and then received a postal card from Mr. Beattie, and went down and saw him and a few days after that I was appointed.

Q. Which do you think you were better equipped for, a clerkship or a foremanship? A. Well, I think that I might possibly do better by myself, and possibly by others, as a clerk, although I have had quite a little experience in handling men for myself.

Q. What experience was that? A. Well, I was in the wood and lumber business for a while and handled quite a lot of choppers and teamsters, and so forth.

Q. What is the area of your district? A. Well, I am not sure as to how many square yards are in it; there is something around ten lineal miles of streets, I guess.

Q. How many men have you under you? A. At the present time I have seven laborers.

Q. How many sweeping machines work in your district? A. Three.

Q. How many carts? A. I usually have thirteen, that is what I am allowed.

Q. These carts take up ashes, garbage and dirt indiscriminately, do they not? A. Yes, sir.

Q. What is the process; is it as you come to a pile of dirt to stop and take it up and then if there be right beyond it, but between one pile and another pile of dirt, some ash barrels and garbage barrels, to put in the garbage and ashes? A. Yes, sir.

Q. And then go to the next pile of dirt? A. Yes, sir; work right straight along.

Q. Shoveling and tossing the ashes in? A. Yes, sir; shoveling and putting the ashes in.

Q. Now, why is it necessary to have thirteen carts to follow seven sweepers? A. Well, it is not to follow seven sweepers, but it is the amount of ashes that have to be removed, ashes and garbage.

Q. What proportion of the entire stuff removed by you in that district in the carts is ashes and garbage and what proportion is dirt? A. Well, I suppose there are about two to two and a half loads of dirt on the average to every cart on this route, daily.

Q. And how many loads of ashes and garbage? A. Well, there are on an average about 140 loads of stuff altogether, taken out of my district daily.

Q. Divided between thirteen carts? A. Yes, sir; and say thirty loads of dirt, and probably 100 to 110 loads of ashes.

Q. Well, that makes an average of about eleven loads a day for those carts? A. Eleven loads a day except Mondays and Saturdays when they are supposed to put in twelve loads, many times they put in an extra load, twelve or thirteen loads if the stuff is out and has to be removed.

Q. Eight and a half loads of ashes and garbage and two and a half loads of street dirt? A. About that; yes, sir.

Q. What control have you over the sweeping machines? A. Well, if I see that the work is done improperly I report the fact to the superintendent's office.

Q. In point of time what is a day's work for sweeping a machine, eight hours? A. Well, I don't know what the sweeping machines do.

Q. Don't you know whether the sweeping machines work eight hours or sixteen? A. No, sir; I do not.

Q. Well, let us get at that somehow; what time do you get out in your district? A. About half-past 5 every morning.

Q. And what time do you quit? A. I have been out as late as 9 at night.

Q. I mean, usually? A. Usually at the present time about half-past 6 or 7 o'clock.

Q. Well, take it through the summer when the weather is good and you have no such extra occasion as you have now? A. Well, then we get through on an average about 5 o'clock.

Q. Do you find the sweepers at work when you go on? A. No, sir; I start them.

Q. You start them? A. I call the roll and start them off; see who is there.

Q. Where do you go to call the roll? A. I make a start from the corner of Sixth street and the Bowery.

Q. Is that your regular assembling place? A. Yes, sir.

Q. And you start your men every day from the same place? A. Same place; yes, sir.

Q. To go to the different parts of the district? A. Well, the Bowery is swept daily so they sweep right down the Bowery and then go to whatever section of the district requires to be swept.

Q. Do these men report back to the assembling place at night? A. No, sir; they do not.

Q. How do you know when they knock off? A. I know the number of hours that they have to work and I am usually with them towards the end when they are quitting.

Q. You can't be with them all, can you; they are scattered through the district? A. I never make more than two gangs; probably four men in one and three in the other, and as a usual thing they always get together in the last street.

Q. And you then discharge the whole gang? A. Yes, sir.

Q. Do you discharge the sweeping machines at the same time? A. No, sir; the sweeping machines are out at night.

Q. They do not keep out at night by the same driver, do they; they change drivers necessarily? A. I don't know what arrangements they have at all, that is all done at the department stables; they are sent out from there and I don't know what arrangements they have with the drivers of the sweeping machines.

Q. Do you have control of the drivers of the sweeping machines during the day? A. I suppose if I had one of them on an ash cart I

would, if he was out driving an ash cart, but otherwise I would not.

Q. I mean if he was on a machine? A. If he was on a machine in my district I believe I should have charge of him; yes, sir.

Q. But the sweeping is done by the machines, nevertheless, at night? A. At night; yes, sir.

Q. When you don't have charge of them? A. Yes, sir.

Q. So that there is a sort of duplication of the system then? A. If I were in the district at night and saw them working I believe I have the right to direct them.

Q. I have no doubt you would; now, how much of your district is covered by machines in the course of the twenty-four hours? A. Well, about one-third of it.

Q. Now, what obstacles do the machines meet with in the way of incumbrances in the streets? A. Well, mostly trucks and wagons standing along the curbstones.

Q. The streets are used as places of storage for these private trucks and wagons? A. Yes, sir; and it leaves a stroke out in the middle of the street and it looks bad; after the carts and all are taken away in the morning the sweepers can't get it away as well as they otherwise could.

Q. The machine has to thread its way through these trucks like a ribbon, doesn't it? A. Yes, sir; goes around like a serpentine track.

Q. How many of those wagons are there in your district? A. I don't know, my district has a great many.

Q. Do you suppose there are a couple of thousand? A. I can't say how many there are, I never made it a point to count.

Q. Do you suppose ten to a block? A. Some places average a great many more than ten to a block.

Q. What is the highest number on a block, so far as you know? A. I guess I have seen as many as fifteen or twenty, something like that.

Q. Do you think it would average ten? A. Well, of course, there are certain blocks which have not any at all.

Q. Now, how often do the men go through your district, your sweepers? A. Well, they take up the machine stroke whenever it is out, and usually sweep enough to make half the stroke, the other part of it, of course, is done by hand.

Q. Now, let us get at that, you say the district has ten lineal miles in it? A. About ten lineal miles; yes, sir.

Q. And you have ten men? A. No, sir; I have only seven.

Q. Seven sweepers? A. Yes, sir.

Q. And you then make two squads of the seven? A. Yes, sir; I did until recently have eight men, and that made four in each squad.

Q. The scheme was four in each squad? A. Yes, sir.

Q. Is it possible for a squad of four men with broom in hand to sweep up five miles? A. Well, that is eight men for five miles when you take half the district; that would be four men for two miles and a half.

Q. You are right about that; is it possible for four men, as a matter of fact, to sweep up two and a half miles of street surface, broom in hand? A. Well, they do it and do it very well indeed; it could, of course, be done better if they had more men to spend their time on it.

Q. In order to do that in that way they have to hurry, don't they? A. Of course, they can't put in very many moments in fooling.

Q. And they have to do their work in rather a slipshod way, don't they? A. No, sir; they don't.

Q. Do you mean to say they do it thoroughly? A. My men don't merely tie themselves down to a limited number of hours; they will do their work and do it very well, if they have tc stay a little bit over; I have known them to stay quite a little over to do the thing properly when the stroke would be heavy.

Q. Do you do as Mr. Moore just testified he did, that is, allot a day's work and then see that the men finish the allotted work before they knock off? A. Yes, sir; I have a regular schedule.

Q. And do you allot one-half of the district each day? A. Yes, sir; unless it is very heavy, and I think I could not get it all removed, when I might just let them sweep the machine stroke.

Q. Suppose they just sweep the machine stroke, then it is less difficult, is it not, for them to cover the field of two and a half miles? A. Yes, sir; of course.

Q. But suppose in addition to sweeping the machine stroke they actually sweep the streets, do you mean to say that four men will actually sweep the streets in your district back and forward from gutter to gutter, machine stroke, streets, gutters and everything, covering it all with the broom in the course of a day? A. Do you mean to sweep the street right in from the center and take it up?

Q. Yes. A. No, sir; they can't do that.

Q. How much do you think four men could do that way, actually sweeping the streets right from the center and taking up the dirt? A. Well, I think if they did half a mile in eight hours they would be doing very well, to sweep in any ways right.

Q. To sweep in any way right? A. Yes, sir.

Q. That is, to sweep it thoroughly clean, to keep it as the statute says it should be kept? A. You can not sweep it thoroughly clean if we send gangs of men within fifteen minutes of each other; we could always get up so much stuff.

Q. But we will assume they do sweep it clean; you think a gang of four men might sweep the streets thoroughly clean, half a mile a day? A. Yes, sir.

Q. Then in order to do your entire district thoroughly clean on that basis once every two days, you ought to have forty men? A. That is, to do away with the machines altogether?

Q. To do away with the machines altogether? A. Yes, sir.

Q. Now, suppose you have the machines, to make the proposition, suppose you have none of these obstacles but that you have free streets and that you use both machines and men so that the men not only sweep up the sweepings from the machine, but themselves cover the street as well and the gutters, taking up all the dirt they can find instead of simply raking or piling up the machine's work, then how much do you think a squad of four men could do? A. Do I understand you that the men shall go over the same ground that the machine has gone over and sweep it out again?

Q. If it has not been done thoroughly? A. Then how many men would I need?

Q. Yes; for a mile per day? A. Oh, I think I would get along with that district with twenty men at that rate.

Q. So that on a combination of machine and hand-work you could do it with twenty men? A. To do it as you say; yes, sir.

Q. Have you ever had occasion to discharge any of these men? A. No, sir; not any of my sweepers.

Q. Have you ever had any difficulty with any of your sweepers to keep them at their work? A. No, sir.

Q. Do you find them all industrious, attentive faithful men? A. I have a very good class of men; yes, sir.

Q. About what is the average age of your men? A. Oh, I guess about fifty years.

Q. Do you have any policemen assigned to your district? A. Yes, sir.

Q. By the street cleaning commissioner? A. Yes, sir.

Q. A part of his detailed squad? A. Part of his squad; yes, sir.

Q. How many policemen do you have assigned a day to that district? A. I have one assigned there regularly.

Q. The same man? A. He is there every day, the same man; yes, sir.

Q. Does he treat the entire district as one large beat? A. Well, do you mean go through every street of it?

Q. Yes. A. Well, he is supposed to; I don't make very much of a point to follow him up.

Q. Who does follow him up? A. Well, I see him on an average three or four times a day; I suppose if I did not see him and made a report about it that he would be hauled over the coals for it.

Q. Apart from your seeing him three or four times a day does anybody follow him up or watch him or is it anybody's business to superintend him? A. I believe they have a roundsman or something in that way, or two, to see that they are on post.

Q. What territory is covered by a roundsman, do you know? A. I don't know that; no, sir.

Q. Then whether that police officer in your precinct really does the work to which he is assigned depends entirely upon his own activity and interest, does it not? A. Yes, sir; to a great degree.

Q. Doesn't it depend almost entirely upon his own activity and interest? A. Well, it does, literally; yes, sir.

Q. Is he not practically independent in that district? A. Practically; yes, sir.

Q. To go where he pleases and when he pleases, and make such arrests or give such warnings or notices as he pleases? A. Yes, sir.

Q. And virtually, if he wants to, he can go out of his district, can he not? A. Yes, sir.

Q. And come back into it? A. Yes, sir.

Q. Going and coming just as he wants to? A. Yes; there is no reason why he should not if he feels inclined to do so.

Q. And there is nobody to check his doing so? A. No; nobody at all.

Q. Do you know of any check then on the amount of service which is got from each of these sixty policemen who are especially assigned to your department for this work? A. Well, they have to report in the morning and report again at night, and they are supposed to report and do show themselves to us during the day and see if we want their services for anything.

Q. Now, have you ever had occasion to call on the policeman assigned to your district for his services? A. Yes, sir; I have asked him to go around and notify people who are overloading their ash barrels; tell them to get other receptacles.

Q. Have you ever asked him to make arrests of people for placing incumbrances in the street, and for throwing their filth and other

garbage in the street? A. No, sir; I have never called upon him to make an arrest.

Q. Has he ever made any arrests? A. Yes, sir; I have seen him taking in a few.

Q. How many arrests do you suppose he has made? A. Well, I haven't any record at all of the arrests.

Q. What is his name? A. His last name is Butley; I don't know what his first name is.

Q. Do you suppose he averages an arrest a day? A. Yes, sir; I think he averages more than that.

Q. How many do you think he averages a day? A. I think he told me in one month he made nearly forty arrests.

Q. Well, that would be one and one-third arrests a day; now, do you suppose he makes two arrests a day, the year round? A. Well, I don't know as he does the year round; I have known him to make four arrests in one day.

Q. Do you suppose there are as many as four or five breaches of law in your district in the course of a day? A. Yes, sir; there are more than forty or fifty.

Q. More than forty or fifty? A. Yes, sir; I have seen it many a time.

Q. And these breaches of the law are among the hindrances to keeping the streets clean? A. Yes, sir; people come right down, and don't care whether there is an ash barrel there or not, they will throw ashes right into the street.

Q. Do you know anything to hinder the policeman from making those arrests? A. He can if he sees them, but a man can't be everywhere in the district at once.

Q. Suppose he makes two arrests; you say he made forty in a month? A. I believe he told me his record was something near forty.

Q. And you say there are forty offenses a day? A. Yes, sir.

Q. Are the people in your district such skillful and shrewd lawbreakers that they can without detection commit the crime forty times and be detected only once out of the forty? A. I am not saying one party does it; there are forty different people doing this, we will say, and in forty different places.

Q. What has been the consequence of these arrests, so far as you know; do you know of any persons having been punished? A. Yes, sir; I have heard of some having been punished.

Q. What, in your experience, has been the effect on people in your district of having the policeman detailed and the arrests made? A. They have a great respect for a uniform coming through the street; if

you see a policeman coming through the street, whether he belongs to us or not, it is rarely that you will see anyone throw anything out.

Q. While the policeman is there? A. Yes, sir.

Q. They do after he goes? A. They are not very particular if there is no one around.

By Mr. Beattie:

Q. In your testimony you say you know nothing about the machines working in your district; could you tell in the morning by looking at a street whether a machine had been through it or not? A. Yes, sir; if I said that I had made a mistake or was misunderstood.

Q. Do you not know it to be a fact that a schedule is laid out for the machine men? A. Yes, sir; I have a schedule as I told Mr. Ivins, and if the work were not done properly, I reported the fact to the superintendent.

Mr. Ivins.—I don't think the witness meant that he did not know in the sense which your question now implies. I think he simply meant that at night he had no control of them.

Michael H. Whalen, called as a witness, being duly sworn, testified as follows:

By Mr. Ivins:

Q. Mr. Whalen, what is your business? A. Superintendent of the street cleaning department.

Q. How long have you been in public office, Mr. Whalen? A. I guess about fifteen or sixteen years.

Q. How many political offices have you been in in the last sixteen years? A. About three.

Q. What was your business prior to going into public life? A. Ship caulker.

Q. What was the first office that you held? A. I was in the fire department as fireman.

Q. How long were you there? A. Four years and three months.

Q. What was the next office? A. I was city marshal.

Q. Who appointed you city marshal; what mayor? A. Mayor Hall.

Q. Mayor Hall? A. Yes, sir.

Q. Then you have been in public office much more than sixteen years? A. Oh, no; excuse me; I think it was — yes, Mayor Hall.

Q. Mayor Hall? A. Yes, sir.

Q. And you had been in the fire department four years prior to that? A. Yes, sir.

Q. Well, Mayor Hall went out of office in 1872? A. That is right.

Q. So that you have been in public office twenty-two years? A. Yes; I made a mistake in my testimony.

Q. How long were you city marshal? A. About eight months.

Q. What was the next public office you held? A. I went in the excise board.

Q. What office did you hold there? A. Excise inspector.

Q. Who appointed you excise inspector? A. Mr. Morrison.

Q. Mr. Richard J. Morrison? A. Yes, sir.

Q. At that time president of the board? A. Yes, sir.

Q. How long were you in that office? About three months.

Q. Then what office did you get? A. I went in as night inspector.

Q. Night inspector of what? A. Of customs.

Q. Who appointed you to that? A. Congressman Cox.

Q. What year was that? A. Eighteen hundred and seventy-nine.

Q. Then there was an interval between the time that you were in the excise board and the time you went as night inspector in the Customs House in which you did not hold office? A. Yes, sir.

Q. How long was that interval? A. Well, I should judge about a year; I could not exactly tell you now.

Q. What business were you in during that interval? A. I was doing nothing at that time, sir.

Q. Then after the night inspectorship in the customs house, what office did you get? A. I was promoted from one branch of the service to another; I think I was made superintendent of the barge office.

Q. Who made you superintendent of the barge office? A. Surveyor Beattie, at that time.

Q. Did you remain in that office as long as Surveyor Beattie remained in office as surveyor? A. Yes, sir.

Q. Did you remain after Surveyor Beattie? A. Two months.

Q. Now what office did you next hold? A. Superintendent of the street cleaning department.

Q. When were you appointed to that? A. On about the ninth of last April.

Q. How long was the interval between your leaving the barge office and coming into the street cleaning department? A. No; I made a mistake there; I was appointed dockmaster in the meantime.

Q. Who appointed you dock master? A. Commissioner Cramm; I remained there from the second of December until the ninth of April, or thereabouts.

Q. How long is it since you followed your trade or business? A. Eighteen hundred and sixty-six.

Q. Eighteen hundred and sixty-six? A. Yes, sir.

Q. What did you do between the time in 1866, when you gave up your trade, and the time when you went into the fire department? A. What did I do?

Q. Yes. A. I done nothing.

Q. You did nothing? A. No, sir.

Q. So that you were a gentleman of leisure when you went into the fire department? A. Yes, sir.

Q. At whose request and solicitation, or on whose indorsement were you appointed to the fire department? A. A man named Williams—John H. Williams.

Q. Who was he? A. He was at that time a resident of my — 257 Henry street.

Q. Of your Assembly district? A. Yes, sir.

Q. That is what you were going to say, isn't it? A. No.

Q. Now you were a member of Tammany Hall at that time? A. No; I was not.

Q. What were you a member of? A. No organization.

Q. No organization? A. No, sir.

Q. How soon after you were appointed in the fire department did you become a member of Tammany Hall? A. Not until after I got out of it.

Q. Why did you get out of the fire department? A. On account of my health, sir.

Q. Your health was not so bad as to prevent your getting a marshalship? A. No.

Q. But just so bad as to get you out of the fire department? A. I went to thirty-one fires out of thirty-one days.

Q. Were you ever in the department of public works? A. I was temporarily.

Q. You had forgotten that? A. Yes, sir.

Q. What office did you hold in that department? A. I was inspector there for about thirty days.

Q. Weren't you ever in the department of buildings? A. Yes; I was there a short time too.

Q. Well tell us about that? A. Counselor, my memory don't serve me right to-day; I have been up some time.

Q. How long were you there in the department of buildings? A. Oh, I think I was there probably between three and four months; I could not tell exactly now.

Q. What were you, inspector of buildings? A. Yes, sir.

Q. Well, now you are sure that you went from the fire department to the marshal's office? A. I think I did; yes.

Q. Well, tell us at what time you were inspector of buildings? A. Well, I could not tell you just exactly.

Q. Can you not locate it between offices somewhere? A. No; I don't think I can at the present.

Q. Then I will ask you first about that; why did you cease being inspector of buildings? A. Well, I think I was only there temporarily taking the survey of houses; I think it was about three months altogether, upon an extra force.

Q. Did you, during the time you were inspector of buildings, know a man named Patterson who was in the box business in Duane street? A. Yes, sir.

Q. Did Mr. Patterson have anything to do with your going out of the inspection business? A. Not that I know of.

Q. Did Mr. Patterson ever make a complaint against you? A. Not that I know of.

Q. Did you resign that office? A. I sent in my resignation.

Q. Who asked you to send it in? A. There was a man named Gorman.

Q. He was then fire commissioner? A. Yes, sir.

Q. He asked you to send it in? A. No; I think it was Commissioner Gorman and King.

Q. Well, which of them asked you to send it in, or did both of them ask you? A. I forget now which one of them.

Q. Well, you were asked to send it in, were you? A. Yes, sir.

Q. Was any reason assigned why you were asked to send it in? A. Nothing any more than this, that I made a complaint against Mr. Patterson for a violation of the law.

Q. I understood you to say just now that you did not know Mr. Patterson? A. I said yes.

Q. Oh, excuse me? A. I said yes.

Q. Well, you made a complaint against Mr. Patterson, and then what happened? A. Then after I made a complaint against him, he made a complaint that I was looking for a key in order to crush the trouble; I never received no fee from him or anybody else.

Q. Was that the ground that was alleged by the commissioners when your resignation was asked for? A. I believe so; yes, sir.

Q. Did you make any demand for a trial at the time? A. No; I did not.

Q. Did you make any demand that the complaint should be regularly drawn and presented to you? A. No; I did not.

Q. You simply acquiesced, did you? A. I simply sent in the resignation; yes, sir.

Q. Which resignation was asked for, because a charge had been made that you had asked for money to suppress a complaint? A. I never asked for any.

Q. Did you ever demand an opportunity to vindicate yourself? A. I never demanded any, because I thought it was no use.

Q. Well, tell us why you thought it was no use? A. Well, I thought they didn't want me in the place, that is all.

Q. Do you think it was a mere subterfuge on their part? A. I can not say that either, but I say that I never demanded a fee or anything else.

Q. What were your politics at that time? A. My politics, always a Democrat.

Q. Did you belong to Palo Hall? A. I never belonged to Palo Hall, Tammany Hall.

Q. You were a Tammany Hall man at that time? A. Yes, sir.

Q. Now we will go back to the marshalship; how did you get appointed marshal? A. By the recommendation of Judge Shanley.

Q. He was one of the leaders of Tammany Hall? A. Yes, sir.

Q. And one of the leaders with Mr. Tweed? A. I believe he was.

Q. And with Mr. Sweeney? A. I believe he was.

Q. And Mr. Connelly? A. I believe he was.

Q. And Mr. Hall? A. I believe he was.

Q. And on his recommendation Mr. Hall appointed you marshal? A. Yes, sir.

Q. Now, why did you cease to be marshal? A. I did not like the business.

Q. How long did you say you were in it before you resigned? A. About nine months probably a little longer; about that.

Q. Was there any interval of time between your resigning the marshalship and your going into the excise department? A. Well, there may be; I can not recall it now.

Q. Well, did you do anything in the way of business of any kind between the time that you were in the excise department and the time that you were in the marshal's office? A. I can not recall.

Q. Now is it not a fact that there was an interval of three or four years between the time that Mayor Hall went out of office and the time that Mr. Morrison went into office as excise commissioner? A. There may be.

Q. Well, there certainly was, was there not? A. There may be.

Q. By whom was Mr. Morrison appointed excise commissioner; do you remember that? A. I don't remember that.

Q. Well, was it not by Mayor Wickham, or was it by Mayor Ely? A. I can not recall that either.

Q. Well, you know it was not by Mayor Havemeyer, do you not? A. I can not recall that.

Q. Well, you were marshal only for nine months? A. I think so.

Q. And there was an interval between Mayor Hall's term, he having appointed you marshal, and the time when Mr. Morrison came into office, of four or five years at least; now what were you doing during those four or five years? A. I don't know as I was doing anything.

Q. About town? A. Yes, sir.

Q. Were you earning a living? A. Yes; always earned an honest living.

Q. I understand that; I want to get at the point, though, how were you earning it; what were you doing; what was your business? A. Sometimes working at my trade.

Q. I thought you said the last time you worked at your trade was in 1866? A. Oh, I meant to say that at intervals I have worked at it.

Q. Oh, at intervals you have worked at it? A. Oh, yes.

Q. Well, were you during that interval working at your trade? A. Yes, sir.

Q. Were you ever in the liquor business? A. Never, sir.

Q. Ever connected with it in any way? A. Never, sir.

Q. Were you ever connected, directly or indirectly, with the police force? A. Never, sir.

Q. Where were you working at your trade during this interval? A. Working for Exel & Webb, along shore.

Q. During the entire time? A. Yes; sometimes I worked in Rondout.

Q. You were a member of Tammany Hall during all this time? A. No, I was not.

Q. What were you a member of during that interval? A. The first time I became a member of the Tammany Hall general committee was in 1872.

Q. And it was in 1872 that Mayor Hall went out of office; then we have an interval from 1872 of nine months when you were probably marshal? A. Yes, sir.

Q. That brings you down to the end of 1873; then 1873 to 1877 or 1878, there was an interval? A. Yes, sir.

Q. And during that time you say you were not a member of Tammany Hall? A. Yes, sir.

Q. You were still a member of Tammany Hall from 1873 to 1878? A. Yes, sir.

Q. What district were you from? A. The fourth district.

Q. Who was your leader there at that time? A. Judge Shanley.

Q. Now, on whose application were you made an inspector of excise? A. I think it was Alderman Shields — as a member of Tammany Hall general committee, the organization recommended me.

Q. The organization recommended you to Alderman Shields? A. Yes, sir.

Q. And Alderman Shields recommended you to the board? A. Yes, sir.

Q. Now, was your appointment made by Mr. Morrison or was it made by Owen Murphy? A. Mr. Morrison.

Q. You are sure of that? A. I am positive of that.

Q. Was that after Owen Murphy's retirement to Canada? A. Oh, yes.

Q. Now, between the time that you were in the excise department and the time you became a night inspector in the customs house, did you work at your trade? A. No, sir.

Q. You went right from one to the other? A. Yes, sir.

Q. Why did you leave the excise department? A. I did not like it.

Q. Well, how long were you there? A. I think about three or four months.

Q. Only three or four months? A. I think so.

Q. Well, Mr. Morrison went out of that office in 1880, and you consequently could not have been in that office later than 1881? A. No, sir.

Q. And you went into the customs house in 1879? A. Eighteen hundred and seventy-nine, sir.

Q. Then there was an interval of eight years, part of which time you spent — A. If the counsel will please —

Q. Eighteen hundred and eighty-nine; you said 1879? A. Eighteen hundred and seventy-nine.

Q. You went into the customs house in 1879? A. I went into the customs house in 1879; I think I was in the excise board not longer than ninety days at the outside.

Q. Then how long were you in the Customs House all told? A. Ten years.

Q. That is the last ten years? A. Yes, sir.

Q. Had you known Mr. Beattie prior to his going into the customs house? A. No, sir; I had heard of him.

Q. Do you know whether your promotion was recommended by any one? A. I think my promotion came through merit.

Q. Well, was it recommended by anyone? A. Yes; I think I was recommended for promotion by Commissioner of Jurors Charles Reilly.

Q. By anyone else? A. Yes, I think there was other influence brought to bear.

Q. Then you recognized that merit sometimes goes unrewarded unless influence is brought to bear? A. Well, not with Commissioner Beattie, it don't.

Q. Well, what other influence was brought to bear? A. Well, there was other gentlemen, I can't recall it now.

Q. So influential that you can not recall it? A. I can not recall their names at present.

Q. Well, was Alderman Shields one of them? A. No, sir.

Q. You and he had had a difference in the meantime, had you not? A. I don't know; we never had a difference, so far as that is concerned, simply he took one side and I took the other.

Q. And you were on the other side? A. Yes; that was all there was about that.

Q. Do you remember who recommended your appointment as superintendent of street cleaning? A. There was nobody recommended my appointment to that.

Q. Did you make an application for it? A. No, sir.

Q. Did Mr. Beattie come and seek you for it? A. Oh, I was always with Mr. Beattie; he asked me to take the place, and I did so.

Q. Now, will you tell us what, in your judgment, was your peculiar or particular qualification for the office of superintendent of street cleaning? A. Nothing, only accustomed to take charge of men.

Q. Had you at any time in your life superintended the executive part of a public work, laying out plans, devising means for the perfection of the work, the execution of the work? A. No.

Q. Isn't there something more required of a superintendent of street cleaning than the handling of men? A. I don't think there is.

Q. Tell us what your duties are? A. Supervising the outdoor work of the department.

Q. Well, how do you supervise it? A. By assigning the men to duties; there is an assistant superintendent who takes my place in case of my absence, who has got charge of the section of the city above Fifty-ninth street; there are three district superintendents who below Fifty-ninth street, are divided in three sections; one section of the city from the Battery to Thirty-fourth street on the east side, the next section on the west side from the Battery to Thirty-fourth street, the third section is from Thirty-fourth street to Fifty-ninth street east and west.

Q. How do you actually supervise the work? A. By having personal supervision over it.

Q. What do you mean by personal supervision? A. Seeing that the men perform the duties that are assigned to them.

Q. Seeing that which men performed the duties that are assigned to them? A. The district superintendents and foremen, assistant foremen, inspectors of docks, assistant inspectors.

Q. Well, you can not do that all yourself, can you? A. I have my regular routine to do every day.

Q. Well, but you can not supervise this entire staff of men individually, can you? A. Not individually.

Q. You have an organization to assist you? A. Yes, sir.

Q. Now, tell me how you have organized your subordinate staff? A. I have just explained that.

Q. You think that is a sufficient explanation of your organization? A. If you want it further in detail, I will do that.

Q. Well, give it to me fully? A. In the first district we have a foreman and so many men; we divide it first into fifty-eight districts, and a foreman to each of the districts who makes daily reports; those reports are filed in the office and forwarded to the main office to the commissioner.

Q. What form do those reports come in? A. In writing.

Q. And what do they report? A. The names of the streets that they sweep daily, the number of men that are employed.

Q. The number of loads removed? A. No; the dock inspectors have that.

Q. Well this report is sent in? A. Yes, sir.

Q. Now, go on. A. They report daily, as I said before, and I examine these reports and see if they are correct; the district superintendents also supervise each of the sections that they are assigned to.

Q. And you watch away in which the work is done by the examination of these reports and by personal visitation? A. Yes, sir.

Q. Now, tell us how you examine the reports? A. By taking up the reports and looking at them.

Q. Do you each day look through each report? A. Very nearly.

Q. Do you each day go through half the reports? A. I do that; yes, sir; I go through the reports for the number of men they have employed, and the number of carts.

Q. You know the number you have employed, and the number of carts also, do you not? A. Yes, sir.

Q. It is not necessary to go through the report to find that out, is it? A. I do that for my own information and the benefit of the department.

Q. Do you go through those reports daily for the purpose of learning from each report daily how much of the city has been cleaned? A. Yes, sir.

Q. Do you ever appoint anybody to check off those reports and see whether or not they are true? A. Yes, sir.

Q. Who do you assign to do that? A. The clerk in the office.

Q. How frequently do you make such assignment? A. That is his duty every day.

Q. Daily? A. Yes, sir.

Q. You say that is his duty daily? A. Yes, sir.

Q. Now, what do you mean by that is his duty daily? A. To examine the reports and see what streets are cleaned.

Q. But whose duty is it to go through the district and see whether the reports are true or false? A. The district superintendents.

Q. Are these reports passed on to the superintendents to be checked off? A. No, sir; they make a daily report.

Q. To whom do they make a daily report? A. To me.

Q. Do you have your clerk to whom the district superintendents reports and the reports of the foremen are sent and he makes tabulated comparative statements of the work done? A. Yes, sir.

Q. Are there such statements in existence? A. Yes, sir; in the main office.

Q. For what purpose are those statements used? A. For the purpose of seeing how much of the city is cleaned.

Q. For the purpose of whose seeing how much of the city is cleaned; your seeing? A. For the information of the commissioner and myself.

Q. How much of the city do you suppose you go over each day personally? A. About one-half.

Q. That is 180 miles of street; how do you go over 180 miles of street a day? A. By a horse; a horse and wagon.

Q. Where do you get that horse; I would like to have that horse? A. That horse don't do it; one horse don't do it.

Q. Now, tell us, Mr. Whalen, actually, how many miles of street you go over during the course of a day; you do not go over half of the streets, because you can not, because it is 180 miles; tell us what you mean? A. What I mean to say is, counsel, I take Fifty-ninth street east and west one day, and I take above the next day.

Q. Then you come down, taking the streets haphazard? A. I go along on the east side, go along on the west, visit the dumps.

Q. Visit the dumps on the east side and west side south of Fifty-ninth street each day? A. Very nearly, with the exception of where my business calls me away.

Q. That is, you encircle the city? A. Yes, sir.

Q. Now, you go across from one side to the other? A. Yes, sir.

Q. And the view that you get of the city from the inspection that you make is such view that you can get in making this circle and going across from one dump to the other? A. That is about it.

Q. But as a rule you do not go across from one dump to the other, you go around from one dump to the other? A. That is it.

Q. How often do you suppose you get across town in the course of a day? A. Sometimes once a day and sometimes twice.

Q. Well, if you do it twice a day you are likely to cover about four miles of streets? A. About four miles?

Q. Yes. A. Well, may be that.

Q. But in going around you are likely to cover from Fifty-ninth street down and up on the other side about twelve miles, are you not? A. That is about it.

Q. So that in that way you would cover actually about sixteen miles a day? A. Yes, sir.

Q. Now, what part of your time is spent out of doors and what part of it is spent in the office? A. Two-thirds of the time out doors — more than that; I don't suppose that I am in my office much more than from an hour to two hours a day.

Q. Do you ever get out in the morning to see the foreman call the roll of their gang and assign them? A. Very frequently, sir.

Q. Do you get out at night to see the foreman discharge their gangs? A. Yes, sir.

Q. Well, it is impossible for you personally to do that in a single day, except so far as a single foreman is concerned, is it not? A. That is about it; there is a regular time for each of the foremen to call the roll.

Q. They call them the same time? A. Pretty near; it would be impossible for me to reach two foremen at one time.

Q. Now, what system is there in your department for the purpose of ascertaining with exactness whether the foremen call their rolls at the given time, and for the purpose of also ascertaining with exactness at what time in the afternoon the gangs are discharged? A. By their reports in writing, and visited by the district superintendents and the number of hours they are allotted to work.

Q. Now, the district superintendent can not actually personally superintend the calling of the roll and the discharge of the men in his district so as to cover the whole district more frequently than once a week, can he? A. About that.

Q. And consequently for one-sixth or one-seventh of the time there is no perfect means of ascertaining what the foremen have done except by their own reports, is there? A. By their own reports.

Q. So that the work of supervision and superintendence is necessarily lax; you have to depend upon your foremen? A. Certainly, sir.

Q. As the superintendent of this department, what do you regard as the main obstacles to the keeping of the streets literally clean as described by the statute? A. The lack of funds.

Q. That is one of them; what are the others? A. If we had more force we could keep the streets clean.

Q. In spite of all obstacles could you? A. With the assistance of the police for enforcing the ordinances.

Q. And the board of health? A. And the board of health.

Q. And the police justice? A. And the police justice.

Q. The police justice plays an important part, does he not? A. Yes, sir.

Q. As a matter of fact, is it not useless to make arrests for violations either of the sanitary code or of the city ordinances or of the general statutes if the police justice discharges the prisoners? A. They don't discharge the prisoners; as a general rule, we have been sustained on arrests.

Q. Well, what improvements has followed the interruption of your new plan of sixty detailed policemen? A. Quite an improvement.

Q. An improvement, in your judgment, commensurate with the cost? A. Yes, sir.

Q. Now, as a superintendent, have you any suggestions to make as to a change of plans or method, change of machinery, or of any kind which would result in the better cleaning of the streets? A. I would recommend a new plant, and that the city would have entire control of it in order to make perfect organization and clean the streets.

Q. That, in your judgment covers it all, does it? A. In my judgment, sir.

Senator AHEARN.—What suggestion is that, Mr. Whalen, that you made?

The WITNESS.—That the city should control the entire plant in order to keep the streets in condition, keep them clean.

By Mr. BEATTIE:

Q. Mr. Whalen, you have stated to the examining counsel that you traverse about 180 miles of the streets daily; I take it that you meant by your eye; the city south of Fifty-ninth street has about 240 miles of streets? A. That is it, sir.

Q. Out of 360 of which the department has charge, they are mostly all paved south of Fifty-ninth street? A. Yes, sir.

Q. It would not require a man, for street cleaning inspection purposes, to travel over every street or road-bed would it, in order to see whether the streets were thoroughly cleaned? A. No, sir.

Q. By going longitudinally up and down the city through four or five avenues the whole length from Fifty-ninth street to the Battery, you could quickly catch with your eye whether the department's work was being attended to? A. Yes, sir; you can take certain streets and look up and down and see whether they are clean or not.

Q. With horse and buggy running over twenty-five or thirty miles you could see what the condition of the streets south of Fifty-ninth street was? A. Easily.

Q. Mr. Whalen, Mr. Ivins referred to some complaint made years ago affecting your integrity while you were in the fire department, I understood? A. Yes, sir.

Q. The present commissioner of street cleaning did not at that time know you? A. No, sir.

Q. Apart from that, during your entire service in the customs house or the customs service of this port, was there ever a complaint filed against you? A. Never, sir.

Q. Or a verbal one made? A. Never, sir.

Q. And you went into that service as a night inspector? A. Yes, sir.

Q. You were day inspector afterwards? A. Yes, sir.

Q. And discharged the duties of a customs inspector? A. Yes, sir.

Q. In reference to all the duties that belonged to that office? A. Yes, sir.

Q. Afterwards made captain of the night watch? A. Yes, sir.

Q. From that to superintendent of the barge office? A. Yes, sir.

Q. Do you know, as a matter of fact, that either Commissioner of Jurors Reilly or any other gentleman in this city or out of it, had anything to do with your appointment as superintendent of the barge office? A. No, sir.

Q. Then when you said that political influence had to do with it, did you say so as a matter of fancy? A. I did not want to be understood in that way, commissioner; I said that he had recommended me for promotion; I did not say as superintendent of the barge office; he had simply recommended me; but I was promoted superintendent of the barge office upon my merits by themselves.

Q. In the discharge of those duties, you had to do with the assignment of several hundred men? A. Yes, sir.

Q. Throughout the entire port? A. Yes, sir.

Q. By day and by night? A. Yes, sir.

Q. You were among them? A. Yes, sir.

Q. With them? A. Yes, sir.

Q. Had they or had they not duties of a character similar to those which are discharged by assistant foremen and foremen of the street cleaning department? A. Yes, sir.

Q. For how many years did you act as superintendent of the barge office? A. Four years.

Q. Now, going back to the time that the complaint was made against you while you were in the fire department, was it the habit in those days for the departments of the city to give an officer against whom complaint was made a hearing? A. No, sir.

Q. Was it not then the custom to request a man's resignation, and if he did not give it, to immediately remove him? A. Yes, sir.

Q. So, that when your resignation was asked, you took that request as the equivalent of removing you? A. Yes, sir.

Q. You made no request for an examination because it was not then the custom to furnish an opportunity? A. That was it, sir.

Q. You are a veteran of the war, are you? A. Yes, sir.

Q. And in promoting you from one position to another in the customs service, did it, or did it not enter in as an element? A. Yes, sir; I was to say this, too, that previous to my leaving as superintendent of the barge office, there was not a steamship company or a merchant that had any connection with the surveyor's office, that did not sign a petition for my retention for my honesty and integrity.

Q. And you withdrew, Mr. Whalen, from the customs service of your own option, did you not? A. Voluntarily.

Q. They gave you an opportunity of remaining in the service in the position that you held prior to your becoming superintendent of the barge office? A. Yes, sir.

Q. And you withdrew from that service to take the position of dockmaster? A. Yes, sir.

Q. That being a more desirable position than that of inspector of customs? A. Yes, sir.

Q. While you were acting as dockmaster, you were requested to take the position that you now hold? A. Yes, sir; and I want it understood right here, that my integrity stands to-day unreproached.

Mr. IVINS.—Mr. Dalton is not here, and I suggest that we take an adjournment until 2 o'clock, and at 2 o'clock we will take up the department of charities and correction.

Senator HENDRICKS.—Mr. Ivins has just informed the committee that Professor Chandler is here, and he would like to examine him or hear him for a few minutes on the street cleaning department before adjourning.

CHARLES F. CHANDLER, being called as a witness and duly sworn, testified as follows:

By Mr. IVINS:

Q. Prof. Chandler, what is your business or profession? A. I am a chemist by profession.

Q. You have been in public office in this city? A Yes; I was for sixteen years connected with the health department.

Q. In what capacity? A. Six years as chemist, and ten years as president.

Q. Have you, as president of the health department, had occasion to study the condition of the streets in New York city and the methods for keeping them clean? A. I have.

Q. Have you studied that problem as an expert also? A. I have; it was the duty of the health board to do what it could to promote the health of the city, and clean streets were regarded as a very important element in that problem.

Q. During a part of the time that you were president of the board of health the streets were cleaned by the police department, were they not? A. They were.

Q. And the president of the police department was a member of the board of health? A. He was.

Q. The relations between the health department and police department being very close? A. They were.

Q. It was during your time that the law of 1881 creating the new department of street cleaning was passed, was is not? A. It was.

Q. Under which law the board of health is vested with the power of confirmation of the mayor's appointments and approval of the mayor's removals? A. That is the case.

Q. So that from all points of view the departments of health and street cleaning during the entire time of your service and down to the present are very closely allied? A. They are, and always have been.

Q. Now, are you familiar with the present condition of the streets in New York city? A. I am.

Q. We will go back to the day before the snow, because we won't take the exceptional case, were the streets of New York city, in your opinion, prior to this last fall of snow, kept clean within the meaning, not to say the letter, of the statute? A. They were not.

Q. In what respect were they not? A. I should say in every respect the work is not properly performed and never has been within my recollection.

Q. Well, will you now tell us why in your opinion the work has never been properly performed? A. Because no proper system has ever been adopted within my recollection for performing the work.

Q. Now, what do you regard as the proper system? A. A business system independent of politics.

Q. During your entire service do you mean to say that politics has interfered with the business system of the department? A. I can't say with any precision how much politics has interfered with it.

Q. But the fact that there has been interference has been visible, has it? A. Well, I have been of the opinion that politics has interfered with the proper business arrangement of the system.

Q. You are of the opinion that there has been no proper business arrangement? A. I am.

Q. As to whether politics is the cause of that or not is a mere speculation or guess on your part, based upon general information? A. Yes.

Q. Now, wherein so far as organization is concerned, do you see the lack of business system to-day? A. By way of analogy, I would say that the present system of street cleaning seems to me about on a par with the old system of police and fire prevention that we had here before the metropolitan system was adoped; there was a sort of guerilla system of police here in the days of Fernando Wood, when the police officers were not uniformed, carried silver stars, which were pocketed whenever a policeman was required and displayed whenever any glory could be derived from it.

Q. A survival of the old night watch, that is all? A. That system of guerilla police officers was wiped out and a well-organized system of police was adopted, and I think it is a very excellent system as it exists to-day; then we had the old-fashioned volunteer fire department, which was also a guerilla system, a hot-bed of rowdyism, by which all the young men in town spent half their time in hose company houses; that was wiped out and we have a well-organized fire department, which I think is about as good as it can be with our civilization; now we have a guerilla system of street cleaning, and it has seemed to me, for the last dozen years, that the streets would never be kept clean under this system, no matter who manages it, that we need an organized system of street cleaning on the lines of the police department and the fire department.

Q. Tell us just what you mean by an organized system, and how

you could apply the lines of the fire and police departments to the organization of the street cleaning department? A. I have had some experience in the matter of street cleaning, of a limited character; my neighbors in Fifty-fourth street organized many years ago a local protective organization; all the residents of Fifty-fourth street between Fourth avenue and Fifth avenue, making two blocks, and the residents of Madison avenue between Fifty-third and Fifty-fifth streets, making two more blocks on the avenue, and representing one-quarter of a mile on the street, are organized; I have been the president of the organization ever since 1873, and we have our own night watchman and our own street sweeper and our own street sprinkler, and we get, by paying thirty-two dollars a year for each house, we get what we pay the city for doing, that is, taking care of us at night and sweeping our streets, and we get what we do not pay the city for doing, our streets sprinkled during the summer months; the system has proved entirely satisfactory; we find that one able-bodied man can keep that quarter of a mile of street clean; that costs us forty dollars a month; we pay forty dollars a month for having our street kept clean.

Q. Forty dollars a month for two blocks of streets? A. Four blocks, two long and two short blocks, making just a quarter of a mile.

Q. That would be — A. Four hundred and eighty dollars a year.

Q. Four hundred and eighty dollars per year per mile? A. No, sir; for the quarter of a mile.

By Chairman Hendricks:

Q. Do they remove the material? A. They do not remove the material; that is taken away by the city carts; on that basis I prepared a scheme many years ago; a commission was appointed consisting of the commissioner of public works, and I have forgotten now who the other members were, I think it was appointed by the Legislature, to study this question; I was a member of it.

By Mr. Ivins:

Q. There was the commissioner of public works, the mayor and the president of the health department? A. That was the commission.

Q. That was the commission that you proposed at that time; I remember it well? A. I was appointed on that commission and as my part, a sort of minority report, I prepared a plan of street cleaning on the block system; my idea was that there should be an organized, uniformed, permanent force of street sweepers, able-bodied men, appointed for life or good behavior, on the same basis as is adopted

for appointing firemen and policemen; I could not tell exactly how many would be necessary, but I concluded that if one man could keep a quarter of a mile clean, a thousand men could keep 250 miles clean, and in proportion whatever the number of streets that had to be kept clean, four men to a mile would be sufficient, giving their whole time to it.

Q. Let me interrupt you there a minute, to make a distinction; when you say kept clean, you simply mean cleaning the streets, you don't mean removing the material in any way? A. No, sir; there is something else for that; I am coming to that; these are the men who are to keep the streets clean, not to clean it up after it gets dirty; they are not to clean a dirty street; but they are to gather the dirt up as soon as it falls, wherever practicable; the difficulty now is that the streets are allowed to get dirty and then an attempt is made to clean them; but if there are men always on duty in the streets, to gather up the droppings of horses, for instance, before they become dry and scattered and are blown in every direction, you can keep the streets clean; another incidental advantage would arise from this, it would add so many policemen; each one of the street sweepers would be a policeman, could be; our street sweeper arrested a sneak thief who attempted to get into one of our houses, and held him until a policeman came and took him away.

Q. Are you familiar with the fact that under the law to-day every man engaged in sweeping the streets has the absolute right to make an arrest for the violation of a sanitary ordinance just as much as if he wore a badge? A. I did not know that; this would provide for keeping the streets clean; then I carefully investigated the street dirt in order to ascertain what it was good for; a great deal has been said about using the street dirt for manure and selling it and getting a revenue for the city; as the subject of manure is now well settled in scientific circles, and we can from an analysis, figure exactly how much a ton any kind of manure is worth — the agricultural experiment stations that have been established all over the country have settled that — I sent about town and collected a dozen or twenty samples of street sweepings, and had them analyzed in my laboratory, applied the rules adopted by the experiment stations, and found that as a fertilizer it was utterly valueless; it would not pay to cart it from one end of the city to the other, as a fertilizer; I don't mean to say that there is not some plant food in it, and if a man had a barren track of sand and could put street sweepings upon it a foot thick, he could make soil there, but it is not a fertilizer which has any pecuniary value, to pay for transportation; another result I reached from

the analysis was, a conclusion that there is not enough animal matter or vegetable matter in street sweepings to interfere with their use for filling, anywhere within the city limits; so it seems to me that the proper arrangement to make was to have the ashes and street sweepings collected by one set of men in one set of carts, and used for filling sunken lots, of which we have large areas in some parts of the city; that would avoid the expense of towing this material out to sea, and filling up the channels; it would also make an increased valuation by which the taxes of the city would be increased; in other words, instead of throwing it away at considerable expense, put it somewhere where it would become valuable, and add to the wealth of the city; so my propositions involves having a second corps of men, uniformed, able-bodied, provided with good horses and proper carts, having each one a district assigned to him, through which he shall go every day in a regular order, so that he shall be expected at about such a time, and he to gather the ashes and street sweepings; I could not tell how many would be necessary, but I estimate 250; perhaps it may require 300 or 350; I don't know how many would be necessary.

Mr. Ivins.—How many carts are there now, Mr. Beattie?

Mr. Beattie.—We had out about 550 yesterday; for the collection of ashes and garbage it requires about 475.

The Witness.—That is not far from my figures then, because this is for the ashes and street sweepings, and if they are collected every day, it won't take so many carts as if they are collecting periodically at longer intervals. Then, a third item was, the taking care of garbage. That could be collected separately, and it has a value for feeding hogs. That is what is done with it in all small places; it is what is done with it in the country. There is no reason it should not be done in large cities, and I am confident it could be sold if it were collected separately, for something. I know when I was in the health department, the contractor, Frank Swift, said he would be willing to give $10,000 a year for the garbage of the city if he could have it, to take to an island and start a hog farm there. At all events, it should be collected separately, whether it is sold and fed to hogs, or whether it is buried somewhere or manufactured into fertilizers, or burned, or whatever is done with it; and that would involve a separate set of carts with uniformed drivers and good horses, proper carts too, that are properly covered, each man having his own district, going to that district every day. It seems to me the advantages of this system are in the first place individual responsibility. There is one particular man whose duty it is to keep a particular street clean, and if that street is not cleaned, everybody knows whose fault it is,

and he can be fined or punished or discharged if it occurs repeatedly. The same would be equally true of the man whose duty it is to gather the ashes or street sweepings. If they are not taken up you know the reason why — that particular man has been neglectful of his duty, and the same as for the garbage. The great difficulty with the present system is the want of responsibility. If a street is dirty there is no particular person to blame for it, and the men go around in gangs and you don't get a quarter of a day's work out of any one of them, whereas here every man has the whole work to perform, by this plan. He can not shift the responsibility on his neighboring workman.

Q. This element also comes in, does it not: That every householder knows exactly against what particular member of the force to make his complaint if the street is not clean? A. Yes, sir; then you see there is no necessity of a large number of inspectors and foremen to go around and watch the men who are at work; a much more limited number of inspectors would be sufficient to go through the city and see that the streets are in proper condition; in other words, this system would involve an organized force of workmen with a very limited number of officers, inspectors and foremen.

Q. Have you made any estimate as to what the system would cost the city in the aggregate? A. Not in detail.

Q. Let us try to make it now. A. I am hardly in a position to say how many sweepers would be necessary, or exactly how many carts would be necessary; I have not studied the figures of the department sufficiently.

Q. Let us take your quarter of a mile: it has cost you $480 per annum; that will give you $1,920 per mile per annum? A. It would.

Q. And with 360 miles, which is the mileage of paved streets, we would have $681,200, which is not so very much more, is it, Mr. Beattie, than is paid by the department now for the item of sweeping (turning to Mr. Beattie)?

Mr. BEATTIE.— Oh, yes; the department has had only $330,000 this year for the item of sweeping.

Q. Then that would be about double what is paid now for the item of sweeping; now, let us stop ourselves there; do you think it is possible on an appropriation of three hundred and fifty or four hundred thousand dollars for the item of sweeping alone, to really keep the streets of the city clean; in other words, do you think it would be possible to economize even on the cost of the work as done by your people? A. Well, I must say I should think it doubtful, but I think the citizens of New York are willing to pay whatever it would cost to have the streets kept properly cleaned, if they were satisfied the work was properly done.

Q. Does it make any difference what the citizens of New York think, if the board of estimate and apportionment does not make the appropriation? A. Not much.

Q. Now, we have first then, an item of $691,200, on the basis of your cost for sweeping; the next item would be the organization of a force of men and carts to remove ashes and sweepings, which ashes and sweepings could be removed by taking them to sea as at present, or by disposing of them for filling; you said 250 carts for that purpose? A. I thought that would be sufficient, still I really have not studied the matter very much in detail to find out exactly how much it would take.

Q. They would only have the mileage of paved streets which is 360 miles, whereas your garbage collectors would have the entire area of the city, of which in the annexed district, only a few miles is paved? A. But there is much less garbage than ashes and street sweepings.

Q. So they would have a larger territory? A. They could go over larger districts.

Q. Have you any idea what it would cost for that service per cart; in the first place, would you have those carts accompanied by two men, a driver and assistant, and would you have them one horse carts or two horse carts? A. I think one horse carts properly covered would answer the purpose, but still those are matters of detail.

Q. But we have got to get at matters of detail to make an estimate; and a single man? A. That would be a question open for discussion, whether the man who drives the cart could be assisted by the sweeper as he goes through the district; if he came along about the same time every day the sweeper might accompany him and assist in bringing out the ash barrels; it would be a great advantage to the city if the ash barrels were not set on the sidewalk beforehand; that is one of the great sources of annoyance; in the first place they are upset, intentionally or accidentally, and they often stand on the sidewalks for hours or days even without being emptied.

By Chairman Hendricks:

Q. But under your system they should be taken away? A. They should be taken away regularly, and if the sweeper would meet the cart when it came into his particular district and go with it and assist in bringing out the ash barrels and putting them back again, that would save the citizens a great deal of annoyance.

Mr. Ivins.—Now let us compare notes with Mr. Beattie for a minute; do you think 250 carts for this particular division of the work would be enough, the sweepings and ashes?

Mr. BEATTIE.— Oh, no; not at all; if the sweepings are to be collected separately from the ashes and garbage as they ought to be, for it is not possible to sweep and make collections at the same time, certainly not under the professor's method —

The WITNESS.— Pardon me for interrupting you. Why couldn't there be a proper receptacle at two or three places in each of these districts in which the street sweepings would be put, to be dumped into the cart once a day when it comes around for the ashes?

Mr. BEATTIE.— Have you any information as to the number of cart loads of sweepings taken up daily in this city, even with what sweeping is done; have you looked into the matter sufficiently to inform yourself?

The WITNESS.— I have often seen the figures, year after year; I don't remember them.

Q. Commissioner Coleman, who has occupied the office of street cleaning commissioner longer than any other man, says in his reports for the years 1887 and 1888 that the quantity of sweepings, that is, street dirt taken up, is over forty per cent of the whole mass; at the present time our output of matter is over 30,000 loads per week; it reaches an average of over 4,750 loads per diem. A. That is ashes or street sweepings?

Q. Ashes, garbage and street sweepings. A. I am surprised it is not more, because if you propose to have 250 ash and street sweeping carts and 150 garbage carts, that is 400 carts at work, and how many loads a day, do you say?

Q. Four thousand seven hundred and fifty; the average for the past four months has been over 31,000 loads per week. A. That would be 4,000 loads a day.

Q. I say, the average has been over 30,000 loads? A. Well, four or five hundred carts, I should think —

Q. Mondays and Saturdays, no collection being made upon Sunday, we reach sometimes as high as 5,000 loads? A. Four or five hundred carts are not such a low estimate then.

Mr. IVINS [to Mr. Beattie].— Would 500 carts do for both classes of work?

Mr. BEATTIE.— It would require 500 carts to make the collection of ashes and garbage alone; the street sweepings should be collected at the time the piles of sweepings are made; that is to say, the cart should follow up the sweeper.

The WITNESS.— But if you have the district system, the man is sweeping all day long, and putting up whatever he sweeps into a proper receptacle.

Mr. BEATTIE.—In that way he would require more carts, because as frequently as he sweeps he would require a cart to take that away.

The WITNESS.—I don't see that at all.

Mr. BEATTIE.—We have to do that at the present time on Madison avenue, on the lower part and the upper part, for the two companies whose employes or agents do carting there.

Mr. IVINS.—They would only have to take it away once a day; suppose you had the London system with the large iron receptale?

Mr. BEATTIE.—The department finds the strongest objection to any such receptacles being on the sidewalks opposite the residences; that is the practical effect of every day experience.

By Mr. IVINS:

Q. Your estimate is 250 carts for ashes and street sweepings? A. Yes, sir.

Q. And 150 carts for garbage? A. Yes, sir.

Q. Making 400 carts in all? A. Making 400 carts in all.

Mr. IVINS.—Now, Mr. Beattie will have to tell us how much it costs a day to maintain a cart with a driver and horse?

Mr. BEATTIE.—The few department carts are operated at a cost of about two dollars and seventy-five cents a day; the hired carts cost about three dollars a day.

Mr. IVINS.—Can you operate a department cart for two dollars and seventy-five cents per diem, paying your horse-keeper, and driver and maintenance of the cart?

Mr. BEATTIE.—I have no doubt of it.

Mr. IVINS.—That is $1,200 per diem for both.

Chairman HENDRICKS.—Mr. Beattie, do you think it practicable for one man with a cart to collect this garbage?

Mr. BEATTIE.—No, sir; I think it is severe on the citizens at large, much more so on the individual collector of ashes and garbage, and utterly impossible as the habits of the people of this city are, to make collections of such matter without the driver having an assistant.

Q. If he had a man to assist him it would be at least 400 additional men at two dollars a day, that would be $800 a day.

Chairman HENDRICKS.—That would be about $2,000 a day.

Mr. BEATTIE—It would require all of that.

The WITNESS.—Why can't these sweepers assist the drivers?

Mr. BEATTIE.—I don't see how you can take a man from the sweeping to collect ashes.

The WITNESS.—If you have a man every quarter of a mile it wouldn't take thirty minutes for the cart to go through that quarter of a mile of street.

Mr. BEATTIE.—It takes now, and has taken since 1881, a horse and cart from ten to twelve hours to collect ten loads of an average of forty-two cubic feet to a load. In making those collections the animal will have to stop not less than an average of 350 times, and traverse a distance from the point of collection to the dumping place and return of fifteen to seventeen miles. That is precisely a matter of absolute ascertainment, the time taken up in the collection of ashes, which constitutes a day's work of ten loads, and consumes that length of time, from ten to twelve hours.

Mr. IRVINE.—Mr. Beattie, what is your present provisional estimate for administration?

Mr. BEATTIE.—One hundred and thirty-one thousand dollars.

Mr. IRVINE.—And for final disposition?

Mr. BEATTIE.—Two hundred and sixty-five thousand dollars.

Q. I suppose it would be fair, professor, to take the estimate for administration at about what it is made now? A. I don't know.

Q. We will assume we continue for the present the taking of this stuff to sea, and we will assume it can not be done for anything less than it actually is done for? A. Yes; I think that is a fair estimate.

Mr. IRVINE.—That would make this estimate for administration $131,000, for final disposition, $265,000, for sweeping, on the basis of the cost to the Citizens' Protective Association, of which the witness speaks, $[illegible], for 400 carts to collect ashes and garbage at three dollars a day for 360 days.

The WITNESS.—Ashes, garbage and street sweepings?

Mr. IRVINE.—Ashes, garbage and street sweepings, $4[illegible]. If an additional [illegible] were required to assist in loading the stuff into the carts there would be an additional $255,[illegible], and that for these five items would give us $1,507,000, to which there would have to be added the cost of mechanics, repairs, maintenance of the entire plant, shoeing of the horses, etc., to which there would have to be added the usual contingent appropriation for heavy falls of snow, etc., to which there would have to be added the cost of rentals and contingencies of the department, which is $[illegible], and the salaries of the present police officers, $75,000, unless that last item could be dispensed with under this system. What is your judgment about that, professor?

The WITNESS.—I don't see any necessity for special policemen for this business. In fact, I always regretted that the business was taken away from the police department, because then the whole police force would look after it.

Q. Would assume to, you mean? A. The men responsible for the street sweeping had the police at their command, and could use them if they chose.

Q. It was nobody's fault but their own, you mean to say, if the work was not properly done? A. No; the police department had never had money enough to do it, that was the difficulty with them; they only had $600,000.

Q. Would you use machines at all in this connection? A. I think it might be desirable in certain localities.

Q. Now, adding Mr. Beattie's estimates for the block system — he made some estimates on the block system — of sundries for repairs, mechanics, shoeing, feed and other items of that kind, $100,740, extra appropriation for snow and ice, $60,000, rentals and contingencies, $30,000, and leave off the police in your estimate; that would give you $1,997,000 as compared with Mr. Beattie's, of $2,139,000 for doing the work on the block system, in which estimate Mr. Beattie includes $72,000, and Mr. Beattie says he put in five men to the mile instead of four? A. Well, you have figured that out; that is your way of putting it; I am not prepared to accept all those details.

Q. Well, will you do this, we want to figure it out here so that we can see how it compares with the application for the appropriation with the appropriation, when it shall have been made, and with the estimate as made by the commissioner on a like system, and with the estimate as made by the commissioner on a combined system, a combination of the block and the machine system; now, if you will figure it out in your own way, and give us your estimate, we will be glad to put it right upon the record, as you give it to us for the purposes of the future work of the committee; will you do that? A. I am really not in a position to figure out the details; I have not interested myself in this matter; it is about eight or ten years since I drew up that bill with the assistance of Col. Prentice of the health department, and I haven't had occasion for six years to pay any attention to it; last fall two or three reporters came to me to know what I had to say about street cleaning, and I gave them the ideas that were contained in that bill, but with that exception I have not interested myself in the matter at all.

Q. Professor, in your judgment, is it better that this department should be under a single head as at present, appointed by the mayor, subject to the approval of the health department, or would it be better to make the mayor together with the commissioner of public works, the president of the police board and the president of the health board, responsible as a separate commission, for the performance of

this work; or for the commission to appoint the superintendent and the force? A. I don't know as it makes much odds which plan is adopted; I think one man has to take charge of the whole business.

Q. Well, does it not make a difference if the man who is appointed to take charge of the business is not provided with funds which everybody recognizes to be necessary for the work? A. Oh, he must have the funds, of course; otherwise nothing can be done.

Q. Suppose the mayor were the head of that commission, and as such, particularly and peculiarly responsible for that work, in your judgment, would we not be more likely to have an adequate appropriation than we are under the present system? A. I think we should decidedly.

Q. Have you any plans to suggest as to how this uniformed force should be selected and how you would go to work to secure an able-bodied force? A. I see no difficulty in managing that; I should have some good surgeons appointed, and every applicant for a position on the street cleaning force should be examined to see that they are sound and able-bodied men, the same system that is adopted in recruiting for the army.

Q. And much the same as in the police and fire departments? A. Exactly.

EXHIBIT No. 1 — DECEMBER 30, 1890.

DEPARTMENT OF STREET CLEANING.

Comparative table of appropriations and expenditures.

YEAR.	Appropriations.	Expenditures.
1882	$1,010,000 00	$1,008,177 29
1883	1,018,000 00	1,012,224 05
1884	1,050,000 00	1,049,289 65
1885	1,200,000 00	1,168,737 85
1886	1,100,000 00	1,094,789 31
1887	1,055,000 00	1,054,665 48
1888	1,259,459 00	1,255,879 93
1889	1,272,040 54	1,255,264 92
1890 To December 1, 1890.	1,255,835 00	1,161,530 28

NOTE.—The unexpended balance of 1889, $16,775.62, was transferred to the credit of the department for 1890.

GENERAL CLASSIFICATION OF EXPENDITURES FROM JANUARY 1, 1882, TO DECEMBER 1, 1890.

YEAR.	Administration.	Sweeping.	Carting.	Contracts.	Snow and ice.	Final disposition.	New stock.	Rentals and contingencies.
1882.....	$84,071 65	$145,323 48	$218,799 81	$327,870 74	$24,148 98	$187,555 07	$4,647 00	$15,760 56
1883.....	79,477 91	132,890 02	218,275 94	357,000 00	19,422 13	183,022 93	6,475 00	15,660 12
1884.....	78,230 32	136,783 50	237,762 89	363,505 38	31,262 22	179,682 19	10,530 00	11,533 15
1885.....	75,896 07	188,266 33	305,062 84	367,490 00	12,240 46	204,372 19	6,372 50	9,037 46
1886.....	74,891 57	125,729 76	286,590 67	339,878 69	28,082 65	217,797 34	11,600 13	10,218 50
1887.....	72,140 20	124,748 70	283,331 06	327,221 64	15,077 70	216,955 33	1,536 72	13,654 13
1888.....	85,574 10	171,706 24	340,771 51	327,618 56	44,133 32	247,951 80	22,780 70	15,343 70
1889....	102,085 90	294,848 12	462,491 41	111,205 54	12,195 92	229,829 94	29,065 76	13,542 33
Dec. 1, '90	109,614 54	300,793 80	481,560 05	.....	22,990 62	216,764 32	15,774 00	14,032 95

NOTE.—For more specific details of the above expenditures see Exhibit 1 hereto annexed.

ASHES, GARBAGE AND STREET SWEEPINGS COLLECTED, FROM JANUARY 1, 1882, TO DECEMBER 1, 1890.

YEAR.	Ashes and garbage. Cartloads.	Street sweepings. Cartloads.	Total cartloads.
1882	818,957	269,922	1,088,879
1883	837,707	253,546	1,091,253
1884	894,079	286,499	1,180,578
1885	969,663	314,268	1,283,931
1886	1 013,318	287,862	1,301,180
1887	1 044,895	311,169	1,356,064
1888	1 112,568	357,139	1,469,707
1889	1 152,315	377,603	1,529,918
1890, to December first	1 116,875	380,822	1,497,697

SNOW AND ICE REMOVED FROM JANUARY 1, 1882, TO DECEMBER 1, 1890.

Year.	Cartloads.
1882	28,311
1883	66,307
1884	54,394
1885	27,042
1886	85,240
1887	35,724
1888	68,029
1889	12,710
1890, to December first	29,147

MILEAGE OF STREETS SWEPT, FROM JANUARY 1, 1886, TO NOVEMBER 1, 1890.

Year.	Miles.
1886	35,275
1887	34,731
1888	42,818
1889	53,169
1890, to November first	60,647

COST PER LOAD OF THE REMOVAL OF ASHES AND GARBAGE, STREET SWEEPINGS AND SNOW AND ICE.

YEAR.	Total number of loads.	Total expenditure.	Cost per load.
1882	$1,117,190	$1,008,177 29	$0 9024
1883	1,157,560	1,012,224 05	9608
1884	1,234,972	1,049,289 65	8496
1885	1,310,973	1,168,737 85	8915
1886	1,386,420	1,094,789 31	7896
1887	1,391,788	1,054,665 48	7577
1888	1,537,736	1,255,879 93	8166
1889	1,542,628	1,255,264 92	8137
1890, to December first	1,526,844	1,161,530 28	7607

PAY-ROLL FOR OFFICE FORCE FOR 1890, BASED ON PAY-ROLL FOR NOVEMBER, 1890.

	Per annum.
Hans S. Beattie, commissioner	$6,000 00
William Dalton, deputy commissioner,	3,000 00
Gilbert O. F. Nicoll, chief clerk	2,800 00
Michael H. Whalen, superintendent	2,800 00
Wm. Robbins, assistant superintendent	2,000 00
Cynthia M. Westover, secretary	1,500 00
Edward F. McCarthy, time and scow clerk	1,800 00
John T. Oakley, complaint and correspondence clerk	1,500 00
Albert E. Hull, bookkeeper	1,500 00
Wm. Spratt, clerk of inspectors' returns	1,320 00
Edward B. Grant, pay-roll clerk	1,320 00
Daniel C. Devlin, map clerk and draughtsman	1,200 00
Jno. T. Bermingham, clerk at stables	1,500 00
Bernd. Fitzpatrick, time collector	1,200 00
Jno. J. Dolan, district superintendent	1,500 00
Owen Healy, district superintendent	1,500 00
Michael Kennedy, superintendent of stables	1,500 00
Andrew Buchler, clerk to superintendent of tugs	900 00
Jos. S. McCann, typewriter and stenographer	1,200 00
T. H. Harrah, typewriter and stenographer	1,200 00
Jas. T. Fitzsimmons, clerk	1,080 00
Jno. J. Morrison, district superintendent	1,500 00
Peter Byrnes, special messenger	1,080 00
John J. Curran, office boy	600 00
Phillip J. Collins, messenger	840 00
	$42,340 00

In addition to the above force, the average number of persons engaged in the work of street cleaning and final disposition of material, exclusive of laborers and drivers, for the year 1890, is as follows:

	Per month.
Foremen (28)	$75 00
Assistant foremen (22)	60 00
Dump inspectors (15)	75 00
Assistant dump inspectors (21)	60 00
Tugs Dassori and Municipal — Captains (2)	115 00
Pilot (1)	110 00
Pilot (1)	100 00
Engineers (2)	115 00
Firemen (8)	60 00
Deck hands (6)	60 00
Stewards (2)	60 00

	Per day.
Mechanics and helpers (18)	$2 to $3
Hostlers, etc., at stables (30)	2 to 3
Boardmen (6)	2 to 3

	Per week.
Scow men (24)	$12 00
Deck hands on dumpers (13) average for six months	15 00
Deck hands on dumpers (13) average for six months	12 00

FORCE EMPLOYED — CLEANING THE STREETS.

From the report of J. S. Coleman, commissioner of street cleaning, under date of June 25, 1889, it appears that the force employed by the department for this purpose from 1882 to 1888, inclusive, was as follows:

YEAR.	Laborers.	Sweeping machines.	Sprinkling carts.	Total.
1882	273	18	9	300
1883	266	20	10	296
1884	271	24	12	307
1885	301	32	20	353
1886	275	26	15	316
1887	234	32	18	284
1888	309	40	20	369

FORCE EMPLOYED — COLLECTION OF MATERIAL.

From the same report it appears that the number of carts employed for this purpose from 1882 to 1888 was as follows:

YEAR.	Department carts.	Hired carts.	Total.
1882	60	160	220
1883	57	172	229
1884	60	182	242
1885	65	222	287
1886	60	229	289
1887	90	220	310
1888	90	269	359

To the above totals must be added the number of men employed by the contractors engaged in cleaning the streets south of Fourteenth street; this number is stated by the commissioner to be 425 for the year 1888.

The contracts for cleaning the streets below Fourteenth street were first entered into in February, 1882, for two years and were renewed from time to time, finally expiring July 1, 1889. Since this date all the streets have been cleaned by day's work. The average force of men thus engaged from July 1, 1889, to December 1, 1889, and from July 1, 1890, to December 1, 1890, is as follows:

YEAR.	Laborers.	Hired carts.	Department cart drivers.	Total.
July 1, 1889, to December 1, 1889	445	382	44	871
July 1, 1890, to December 1, 1890	348	324	84	756

I have adopted the above method of comparison for the years 1889 and 1890 because during the first six months of 1889 the streets were cleaned partly by contract and partly by day's work.

REVENUE FROM JANUARY 1, 1882, TO DECEMBER 1, 1890.

YEAR.	Trimming scows	Sale of street dirt.	Auction sales, etc.	Total.
1882	$6,122 80	$2,117 38	$1,119 89	$9,360 07
1883	8,448 78	1,424 14	1,914 64	11,787 56
1884	10,116 50	1,433 70	1,457 59	13,007 79
1885	8,041 72	517 30	1,014 30	9,573 32
1886	13,105 00	101 75	947 57	14,154 32
1887	14,495 00	.....	1,455 88	15,950 88
1888	24,907 23	.....	776 56	25,683 79
1889	51,525 31	.....	660 71	52,186 02
1890 to Dec. 1.	53,286 23	.....	1,423 16	54,709 39

The above revenues are credited to the sinking fund.

FINAL DISPOSITION.

The following table shows the cost on boats per cartload from January 1, 1882, to December 1, 1890:

	Cents.
1882	20.53
1883	19.37
1884	17.77
1885	17.44
1886	17.44
1887	17.16
1888	18.00
1889	16.50
1890 to December 1	15.50

This consists of:

Single sweeping machines	49
Double sweeping machines	21
Single water carts	6
Double water carts	7
Water barrels (six unfit for use)	18
Horses	157

COMPARATIVE TABLE OF EXPENDITURES FOR 1889 AND 1890.

	1889.	1890.	Increase.	Decrease.
First quarter	$284,913 76	$369,769 80	$84,856 04	.....
Second quarter.....	319,668 19	347,523 63	27,855 44	.....
Third quarter	305,794 88	264,411 68	.....	$41,383 20
Fourth quarter, October and November	212,451 46	179,825 17	.....	32,626 29

EXHIBIT No. 1.

DEPARTMENT OF STREET CLEANING — DETAILS OF EXPENDITURES.

Administration.

	1886.	1887.	1888.	1889.	1890 to Dec. 1.
Commissioner, deputy superintendents and clerks	$40,518 78	$40,662 30	$42,852 27	$40,416 91	$37,913 45
Foreman and assistant foreman	13,710 61	13,367 27	17,514 55	33,925 34	37,196 98
Dump inspectors and watchmen	20,662 18	18,110 63	25,207 28	27,743 65	26,154 83
Sundries	.....	.....	.....	.....	8,349 28
Sweeping.					
Laborers, machine and water-cart	92,563 75	88,361 50	108,790 00	199,625 28	208,518 62
Drivers	12,697 50	9,795 50	22,764 86	48,100 96	41,661 42
Sundries	20,468 51	26,591 70	40,151 38	47,121 88	50,613 76
Carting.					
Hired cartmen	213,937 56	211,506 44	250,084 75	382,084 75	376,249 18
Department cart-drivers	42,524 82	36,039 50	40,596 50	32,857 00	50,516 65
Sundries	30,128 29	35,785 12	50,090 26	47,267 68	54,794 22
Contracts.					
Sweeping and carting	339,878 69	327,221 64	327,618 56	111,205 54	.....
Snow and ice.					
Laborers	17,259 18	8,500 84	24,560 00	8,387 74	13,382 06
Hired cartmen	10,823 47	4,361 76	15,148 08	2,575 93	8,137 31
Department cart drivers	.....	1,658 00	2,238 50	888 50	1,057 00
Sundries	.....	557 10	2,186 74	343 75	414 25

Trial disposition.					
Wages of steam tug employes	15,017 50	15,887 27	16,863 41	17,697 33	17,020 92
Wages of scowmen	14,221 93	14,287 33	14,419 22	14,721 01	22,802 63
Unloading scows	35,661 22	33,865 35	32,440 65	30,553 74	41,360 18
Hired scows	67,272 36	74,592 50	84,593 56	84,345 73	71,188 21
Extra towing	38,413 93	31,833 00	30,769 07	27,624 73	26,764 70
Repairs, steam tugs	28,460 11	6,679 03	13,349 93	9,673 03	3,731 69
Supplies, steam tugs	.....	19,592 00	22,763 69	20,637 07	16,535 41
Repairs, scows	6,999 23	4,031 92	11,025 93	3,413 00	1,341 45
Supplies, scows	.....	3,653 54	4,066 17	4,967 46	3,453 76
Repairs, dumps	4,080 54	1,574 27	3,722 03	2,497 52	641 34
Dump expenses	5,752 42	3,030 91	3,654 78	4,402 80	4,143 55
Sundries	1,918 10	7,928 21	10,285 56	9,296 52	7,778 48
New stock	11,600 13	1,536 72	22,780 70	29,065 76	15,774 00
Rentals and contingencies.					
Rents	6,455 68	8,548 93	8,673 49	7,041 96	6,741 66
Contingencies	3,762 82	5,105 20	6,670 21	6,500 37	7,291 29
Total	$1,094,789 31	$1,054,665 48	$1,255,879 93	$1,255,264 92	$1,161,530 28

The committee reconvened at 2.30 P. M., December 29, 1890.

Present — Chairman Hendricks and Senator Ahearn.

HENRY H. PORTER, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Porter, what is your business? A. I am one of the commissioners of the department of charities and corrections, and at present president of the board.

Q. How long have you been such commissioner? A. Since 1881 — a memorable battle which you remember.

Q. That was a battle in which I was on your side, was it not? A. Yes; one of the very good things that you did for which I am under great obligations.

Q. Now, I call the committee's attention to section 387 of the Consolidation Act which provides that there shall be in the department of charities and corrections a bureau of corrections and a bureau of charities, the bureau of charities shall have charge of all matters relating to persons not criminals, and the bureau of corrections shall have charge of matters relating to criminals; now, will you describe to the committee the organization of your department? A. Well, if you will put it in language that would be understood —

Q. Is the department of charities and corrections divided into bureaus in the manner required by that section of the act? A. Yes, sir.

Q. When was that division made? A. Well, it has always existed, but some few years after I was made a commissioner, I think during an examination made by the commissioner of accounts, Mr. Sherman, he suggested that it ought to be regularly done by resolution; that is there ought to be two bureaus, and we then appointed one of our board to represent the bureau of corrections, and the other to represent the bureau of charities.

Q. You created two bureaus? A. Yes, sir.

Q. With one commissioner at the head of each bureau? A. Yes, sir.

Q. You keep your accounts in such a way as to show the expenses of each bureau separately? A. I imagine so; yes, sir.

Q. Well, don't you know? A. Well, yes; of course we do; we can tell, of course; they are so kept.

Q. Are the appropriations made in such a way that so much is appropriated for the use of the bureau of charities? A. No; not for the bureau of charities.

Q. Are they made in such a way that so much is appropriated for the bureau of corrections? A. No, sir.

Q. Do you know that in the department of public works, for instance, the appropriations are made for each bureau in the department? A. No, sir; I did not know it.

Q. And that in the books of the finance department the appropriations are credited first to the department, and then to the bureau in the department? A. Yes.

Q. Are appropriations made in any such way in your department? A. Yes; they are based on estimates which are presented to the board, each institution asking for so much money for supplies, for salaries, for repairs, and everything of the kind.

Q. For the institution? A. For the institution itself.

Q. But not for the bureaus? A. No, sir; for the penitentiary; for each institution by itself; I think there is an account kept of it here.

Q. Are there bureaus in your department, in the same way in which there are bureaus in other departments? A. Yes.

Q. Really existing separately? A. Yes.

Q. Managed by a separate head? A. Yes.

Q. With a different set of accounts; the appropriations of which are carried to the credit of the account and the expenditures of which are carried to the debit of the account? A. Well, I don't know; I don't think they are kept in that way.

Q. Then the resolution of your board, to appoint a head to each of these bureaus, was more or less a formality, was it not? A. It was.

Q. For the purpose of conforming strictly to the statute? A. Yes, sir; that is it.

Q. But, as a matter of fact, there is no distinct bureau organization? A. No, sir; we have, as you know, a superintendent, whose sole duty it is to look after, what we call the outdoor poor, and that covers the charities.

Q. It covers part of the charities? A. It covers part of the charities.

Q. I would like to have a copy of the— A. I think, if you will allow me, I have a general bookkeeper here who can give you that.

Q. Very well; that will answer just as well? A. He will give you all these details that you are now asking me for, and show you exactly how those accounts are kept.

Q. If your general bookkeeper will make a memorandum to bring in a copy of the resolution for the division of the department— A. Yes, sir; I will remember that.

Q. Now, are persons appointed to service distinctively, as in the bureau of corrections, or distinctively, as in the bureau of charities? A. No; they are appointed as the heads of such an institution.

Q. Does your pay-roll show in which bureau any particular employe is? A. Yes, sir; each one.

Q. So that, upon examination, your pay-rolls would show that such and such persons were employed in the bureau of charities? A. No; no.

Q. It does not show that? A. No, sir; there isn't anything of that kind.

Q. No such distinction in the matter of actual organization? A. No.

Q. They are simply carried on a general pay-roll? A. Yes.

Q. All alike? A. No; each institution has its own pay-roll.

Q. But classified under the head of each institution? A. Yes, sir; the penitentiary, insane asylums and alms-houses — each institution having its own pay-rolls; that is the way we ask for the money, and that is the way we receive it.

Q. Those persons upon that pay-roll are some of them performing duties which belong to the charities side of your organization, and others which belong to the correctional side of your department? A. Well, that might apply, for instance, to the captain and officers of our steamboats whose duties cover the whole.

Q. They would not necessarily be classified under either bureau? A. No.

Q. They might be classified simply as part of the whole institution? A. Yes.

Q. Just as in the department of public works they have a general clerical force which is classified independently of the bureau? A. Yes.

Q. The main point I want to get at is this, there is no real classification of employes as belonging to the correctional side of your institution? A. Oh, yes; there is; there must be.

Q. Take the penitentiary? A. Take the pay-roll of the penitentiary, which commences with the warden and goes down to the keepers and guards and every officer in the institution.

Q. How would the warden be classified as being in the bureau of charities and corrections? A. As being in the bureau of corrections.

Q. If they were classified at all? A. Yes.

Q. Now, take the insane asylum at Ward's island, how would the head of that institution be classified, if he were classified? A. I presume that would be a charitable institution, for charities.

Q. But, as a matter of fact, he is not classified distinctly? A. Yes; he is classified and the appropriations are made to that department alone; the pay-roll; the money to pay the officers and employes of the insane department are made to that department alone.

Q. Now, who is the bureau superior of the man in charge of the insane ayslum at Ward's island? A. Dr. A. A. McDonald is the general superintendent of all insane asylums.

Q. Who is his bureau superior? A. He has one at each; at Ward's island it is Dr. Marcy; at Blackwell's island Dr. Dean —

Q. You misapprehend my question; those are his subordinates in each institution? A. Yes.

Q. Who is his superior? A. He has none except the commissioners.

Q. Except the commissioners as a whole? A. Yes; those matters have generally been assigned to me.

Q. Who is at the head of the bureau of corrections? A. I think during Mr. Brennan's career he was at the head.

Q. Who is now? A. Mr. Commissioner Shea.

Q. Who is at the head of the bureau of charities? A. It is divided between Dr. Gilman and myself.

Q. Has the board, by resolution, appointed a head to that bureau? A. I think so; I think I am the head of that bureau.

Q. And you, as head of that bureau, are responsible are you, for Dr. McDonald? A. Yes, sir.

Q. And do you stand between Dr. McDonald and the board? A. Well, our board I am glad to say, since I have been there we get along as a very happy family; there is no differences.

Q. I do not mean from that point of view; I mean this; in the organization does Mr. McDonald have to report to you, for instance, as the head of a bureau and approach the commission through you as the head of the bureau? A. Yes, sir.

Q. Have you any organization for doing your work distinctively as head of the bureau apart from your work as president of the board? A. No, sir.

Q. Are you familiar with the organization of any of the other departments in the city? A. I suppose I ought to be.

Q. Take the department of public works; do you know that there is a bureau of sewers? A. No; we have nothing of the kind in our department; there is nothing absolutely outside of the commissioners and the superintendent of outdoor poor.

Q. So that in reality there is no division of the department into bureaus? A. Well, no; there is nothing that can be demanded or claimed except that it can be done to any one of the three commissioners.

Q. The law says that the bureau of charities have charge of all matters relating to persons not criminal; is there subordinate to your

board a bureau organized as such which has charge of all matters relating to persons not criminals? A. No, sir.

Q. Is there a bureau, organized as such, which has charge of all matters relating to criminals? A. No, sir.

Q. So that section 387, of the Consolidation Act, or so much thereof as provides for the division of the department into bureaus, making each of these two bureaus responsible for certain classes of work, is not observed? A. Well, it is not strictly construed and it is, however, when you know and are familiar with the workings of the department, each one of these institutions stands on its own bottom, every one of them.

Q. Let us see about that; are any records kept in your department of persons under the charge of either of those bureaus distinctively? A. How do you mean?

Q. Is there any record to which this committee could go to-day and find exactly who there was under the charge of the bureau of corrections? A. Yes, sir; I do not think of the 16,000 people in our department to-day there is one — there might be a few, but I think they are very few — of whom you not only could get a record of where they were, but you could get a pretty good record of their lives, how they came there and why.

Q. That is true of each individual? A. Yes, sir.

Q. Now, let us take them in the aggregate; is there any record to which this committee could go to-day and find out exactly how many people there are under the charge of the bureau of corrections? A. Yes, sir.

Q. What their names are? A. Yes, sir.

Q. In a single record? A. No; in the daily reports that I receive from every department.

Q. Would it not be necessary to go through those reports and pick out the persons in each one? A. No, sir; I can give it to you in fifteen minutes.

Q. Have you any institutions in which the poor and the criminals are kept together? A. No, sir.

Q. Have you any institution in which the poor and persons sent to the island for vagrancy are kept together? A. Well, I should say no; but the poor and the vagrant are very much the same; if you will look, I think generally the statute describes them as all — some call them vagrants — it is a disagreeable name, they don't allow it, but you take the people who are in the alms-house and they are kept separate from those in the work-house; the man or the woman in the alms-house is supposed to be a charitable object; he is there because he has grown

old, or through infirmity he or she is no longer able to obtain a living and they are not looked upon as prisoners.

Q. There is a certain class of people who are sent to the island by the police justices, is there not? A. Yes, sir.

Q. They all go to the work-house? A. Yes.

Q. Is there any institution in which persons who find their way to the island because of their necessities, and those who find their way to the island by the order of some court are kept together? A. Well, those that are sent to the work-house are kept in the work-house; those who are sent to the alms-house are rarely sent by the police justices; they are committed to the care of the commissioners of charities and corrections, all vagrancy cases, and in my daily visits to the prisons I have at this season of the year from ten to thirty whom I examine particularly as to how long they have been here, whether they are really entitled to go to the island, and I give them terms anywhere from three to six months.

Q. You have a class of voluntary inmates of your institutions? A. Yes, sir; a great many.

Q. The voluntary inmates are self-committed? A. Yes, sir.

Q. The involuntary inmates are those who are committed by a magistrate? A. They are all committed by a magistrate, but the involuntary inmates are committed to the care of the commissioners.

Q. Are the voluntary and the involuntary inmates taken care of in the same institution? A. Yes, sir.

By Senator Ahearn:

Q. A person could make an application to Mr. Blake if they were poor and destitute and wanted a home and he would commit them, wouldn't he? A. Well, he hears their application and makes out a paper signed by a commissioner — I did that in a dozen cases to-day.

Q. Isn't the same thing done by a police magistrate? A. Very much the same.

Q. They can make an application that they are poor and destitute, and they are committed as vagrants? A. No; they are committed to our care and I use my discretion; if I find them too old to work, I send them to the alms-house; if I find that they are deserving cases, people who through no fault of their own find themselves in this great city without means, and they give themselves up, as they call it— like carpenters and painters and all kinds of mechanics, they will be very useful to us and I give them three to six months in the work-house.

By Mr. IVINS:

Q. They meet in the work-house a class of men who are committed to the work-house for having been found by the police as vagrants in the street? A. Generally drunken and disorderly conduct.

Q. So that the deserving but unfortunate mechanic who commits himself standing in need of public charity, is sent to the work-house in which there are also those people who are convicted for drunken and disorderly conduct? A. Yes; the number, of course, is very large, of what are called rounders; people who live from preference in the work-house; many of them who are sent there for drunken and disorderly conduct, and after they have been there a little while they are the most useful of our inmates; they are people who can not stand the temptation of drink, but the minute they are taken away, they are of great service to us and very little trouble; it was only the other day that Mr. Wheeler told the board of estimate and apportionment, they said they thought from a visit to the work-house it was the most admirable institution they had seen.

Q. To which of these bureaus in your department is this work-house assigned? A. Naturally to the bureau of corrections; it is so considered.

Q. Except under resolution? A. No, sir; I don't know as it is.

Q. Has the commissioner who is acting as the head of that bureau any powers specifically accorded to him by the board? A. No, I don't know that there are any powers that he could have; there is absolutely nothing for him to do there.

Q. Is he particularly responsible for that as distinguished from the responsibility of any other member of the board? A. I presume he would consider himself so if the exigency should arise, but we have at the head of the work-house a gentleman who has been in the department forty years, and I think he is one of the best administrative and executive officers I ever saw.

Q. Has that institution ever been assigned specifically to either one of these two bureaus? A. Yes, sir; when this resolution was passed that was included as a correctional institution.

Q. As a correctional institution? A. Yes, sir.

Q. And not as a charitable institution? A. No, sir; not the work-house.

Q. Then if that assignment was correct, how is it possible to properly assign a charitable subject to the care of a correctional bureau? A. Well, we do not assign; I do not exactly understand you; without you call these men who give themselves up, vagrants, there is no other institution; a great able-bodied man would not like to go to the alms-house.

Q. You have to begin in the case of every man by determining whether he is there as an object of charity or a subject of correction? A. Yes; but they are not there for the sake of correction; a man is sent there to give him a home.

Q. Is not a drunk and disorderly rounder sent for the purpose of correction? A. Yes; but many of them are most efficient employes after they get there; I have known men, and I know them there now, who have been there off and on — I have been a commissioner ten years — who are very rarely if ever, off from the island; they can not trust themselves more than twenty-four hours, but while they are with us they are really very valuable.

Q. Then we find that a carpenter, unable through stress of circumstances to earn his living, who has to ask for public charity and virtually commits himself — A. Yes.

Q. Is sent to the work-house with a habitual rounder who has been sent there by a police magistrate for drunkenness and disorderliness? A. Yes.

Q. And we find that these people as inmates of the work-house are employed by the department, aren't they? A. Yes, sir.

Q. And they may be employed in any work whatever, may they not? A. Yes.

Q. They may be employed in the same work? A. Yes.

Q. I call your attention to section 398, which says that it shall not be lawful for vagrants or paupers or recipients of public charity unless they have been convicted of crime, to be employed in association with persons committed for offenses other than intoxication; is that section of the statute observed? A. Well, I don't suppose it is.

Q. You don't suppose it is; don't you know whether it is or not? A. I guess it is not.

Q. You guess it is not; but you are one of the commissioners, and a member of the board charged with the observance of that section? A. Yes.

Q. And it is not observed? A. Well, it is not; of course, if you construe it that way.

By Senator AHEARN:

Q. You know that a man who commits an assault in New York is not sent to the work-house, do you not? A. No; they are sent to the penitentiary.

Q. The offense of intoxication and disorderly conduct is about the same, is it not? A. No; I hardly think it is; I think some very decent fellows get to the island for drunkenness.

Mr. IVINS.— I think, Senator, that you make a distinction between assault generally and as described. It says assaults not felonious. Persons who are convicted of felonious assault are sent to the penitentiary.

The WITNESS.— Yes; and I think all other assaults. I don't think we have any assault cases at the work-house.

Q. How is it with intoxication — because assaults not felonious and intoxication are classed together — persons committed for intoxication are confined in the work-house and work with persons who are simply the subject of the charities of the city, are they not? A. Yes; the only people who are sent to the work-house for drunken and disorderly conduct are cases that come under that head.

Q. Now, to refer to the statute again, it says that it shall not be lawful for vagrants or paupers or recipients of public charity, unless they have been convicted of crime to be employed in association with persons convicted for offenses other than intoxication? A. It would be perfectly impossible; this is a matter which some of my best friends have been working at, and will work at until the end of creation, but they can not do anything until the city expends a great deal more money than we have got now; we have got to have another and separate institution to carry that out.

Q. I think you are doing yourself an injustice; it is lawful under this section to employ vagrants or paupers with persons committed for intoxication; it is lawful to employ them with cases of assault and battery which is not felonious; what I want to know is, are persons who are there as vagrants or as paupers employed in association with persons committed for any other things than intoxication or assault which is not felonious? A. No, sir.

Q. A man who is an habitual drunkard is classified as a vagrant, is he not? A. Yes; but there isn't any of that mingling and mixing of the prisoners, the man who is sent there for crime with the inmates of the work-house.

By Mr. IVINS:

Q. If a person is committed for intoxication, to the care of which bureau is he assigned? A. He is not assigned to any bureau; he is assigned to the work-house.

Q. But the statute says "the bureau of charities shall have charge of all matters relating to persons not criminals?" A. Well, we do have.

Q. But you do not have any bureau, you say? A. Well, we get along without any bureau; it does not cost so much money, I guess,

and the working of the thing, I think, would be entirely satisfactory to you or to anybody else who would examine it.

Q. The application of the law as it stands really nullifies the provision for the separation of these bureaus, doesn't it — as that law is applied in the work-house? A. Well, I don't know; I think that the law is complied with really, except there is not, as you say, a bureau of charity and a bureau of correction; we sit there as three commissioners of the department of charities and corrections and attend to all the details, and are the bureaus themselves.

Q. What do you classify as paupers? A. Well, some people think that every man, every one of the 16,000 is a pauper; every man under their care.

Q. What do you classify as criminals? A. Those in the penitentiary.

Q. Have you any classified list of paupers, as contradistinguished from criminals? A. Yes, sir.

Q. Where do you keep that list? A. In the office.

Q. Is it a single record? A. Yes, sir; the records of the penitentiary and of each institution.

Q. In making up that list, on one side of which you classify paupers and on the other side of which you classify criminals, what is your rule for classification? A. I don't know as we have any.

Q. Then how do you observe this section of the law, which is 402, that it is the duty of the board of charities and corrections to cause to be kept and employed separate and apart from each other the paupers and criminals? A. Well, we do.

Q. Do you in the work-house? A. Yes, sir; the work-house men work together.

Q. Are they paupers or criminals? A. Well, I suppose they are quasi-criminals, and hardly criminals either; you would not call a man a criminal who had been arrested for drunkenness, but a man who has got in the penitentiary is a criminal, and we make that distinction always between them, and they are never allowed to work together.

Q. "As far as possible to cause the latter" — that is, the criminals — "to be classified so that the novice in crime can not become contaminated," etc.? A. They are kept together.

Q. How do you do it? A. The younger of those who are sent to the work-house are transferred to Hart's island and kept aloof from the older inmates of the work-house.

Q. Although there are some of the older inmates of the work-house from whom there is no reason to keep them aloof? A. Oh, yes; a great many.

Q. And if the distinction were made in the work-house itself to begin with, there would be no need of sending these younger paupers to Hart's island? A. No; I think, however, when a young one gets as far as the work-house he has got pretty well along in crime; he is entirely entitled to it; he does not require much sympathy.

Q. How much of this statute is really, in practice, a dead letter — and you know that many statutes do become dead letters? A. I think, Mr. Ivins, that really while it is not carried out as you say, there are not the bureaus there, but the law is adhered to strictly; that is, the inmates of the different institutions are there strictly in accordance with the law.

Q. Now, you notice that you are required, as far as possible, to cause the latter to be classified — that is, the criminals? A. Well, they are classified.

Q. But you have to begin by a classification of paupers and criminals? A. Well, they are classified.

Q. Then, having classified some as paupers and some as criminals, you have to make another classification of the criminals, in which classification of the criminals you keep the novice in one class and the hardened criminal, or habitual offender in the other class; now, tell us what your rule is, if there is any at all, for the classification, first of paupers and criminals; and second, for the classification of criminals among themselves, as habitual or novices? A. Well, in the penitentiary that is a matter that is left to the warden.

Q. Is there any general rule? A. Yes.

Q. Have you established a rule by resolution? A. Yes; and he does everything he can to reclaim the younger ones; they not only are kept separate and apart, but they have their regular school days and they have not only teachers furnished by us, or by the keeper, but they have teachers who are up there, who are paid by people who are taking an interest in them.

Q. What instructions are given by the commissioners as to how that classification shall be made; what rule, if any, have the commissioners established as to the classification? A. It is so long ago I don't know.

Q. Do you know whether they have ever made any? A. Yes; we have a great deal.

Q. Have you made a general rule? A. And conferred with the warden what he should do.

Q. Have you made a general rule by resolution? A. Well, that I can't remember.

Q. Have you any record of any rule of classification? A. No, sir.

Q. Then there is no resolution or systematic rule for the classification of criminals among themselves by the application of which rule you classify one criminal as habitual and the other as a novice? A. Oh, yes; there are existing rules in the penitentiary which the warden carries out.

Q. Who makes those rules of the penitentiary? A. They are made by the commissioners.

Q. Are those rules of classification, or rules for the management of the prisoners after they have been classified? A. I suppose after they are classified, that is done by the warden.

Q. The warden is left then really to make the classification according to his own judgment based upon the merits of each individual case? A. Yes, sir; he being a man who I consider stands as high in the profession as any man in the country.

Q. What was his antecedent history in the enforcement of criminal law? A. Well, he has occupied all positions, I think.

Q. He has been superintendent of State prisons, has he not? A. His father was a warden and his grandfather; he was born in State's prison, I think; now, I do not wish to have the people run away with the idea that there is any intermingling between the inmates of the charitable institutions, and the inmates of the penitentiary, because it is not so; they are as much isolated as though the penitentiary was in Cattaraugus county.

Q. I do not think the committee will run away with that idea; this is the point I desire to get at: The law is very explicit in certain regards; first, the charities and corrections are put under a single head, which is a commission consisting of three persons? A. Yes, sir.

Q. Charities and correction are mingled under a single management, but the law, nevertheless, as a sort of protection or defense, against the complete mingling of those functions, has called for a distinct bureau of charities and a distinct bureau of correction, both of which shall be under the same general board; then it has gone a step further, and said that certain subjects for correctional treatment shall not be confined or employed, together with certain objects of charity; now I want to find out how much of that is simply the letter of the law standing on the books without enforcement, and how much of it is really vital, and being enforced from day to day; now let us agree that there is nothing in common between the subjects of charity in the insane asylums and the objects of correction in the penitentiary; we come to a middle ground, however, in the work-house, where the distinctions seem to be very difficult, and I have asked you all that I care

to at present about that; the committee does not want to get the idea, it certainly does not have the idea, that there is a general mingling of these two classes of people; but we want to find out whether or not there should be, in law as well as in fact, a complete mingling of these functions, or whether there should be both in fact and in law, a complete separation of these functions; now, as a matter of fact, your board really mingles both the charitable and correctional functions, does it not? A. We manage the whole thing — everything.

Q. And you manage one without distinction from the other, so far as your finances and general policy are concerned, do you not? A. Well, each institution receives its separate appropriation of so much, which goes into the whole.

Q. Have you any official classification of so-called decent poor? A. Oh, there are a great many decent poor.

Q. What proportion of self-committed people would you suppose could be properly classed as decent poor? A. Well, a great many; I think, probably, particularly at this season of the year, that fully one-half or more, are men that I should not like to call vagrants or bums — that is the familiar term by which they are known; they are unfortunate men, that either through the lack of knowledge of saving money, and taking care of themselves, when hard times come, find themselves out of occupation, and they come to us; very many find something outside (they are always permitted to correspond with their friends) and ask to be discharged.

Q. Is there any classification, or are there any records in your department, by which this committee could tell exactly what proportion of the self-committed people were decent poor? A. Well, nothing; no; I don't think there is.

Q. We would really have nothing but the estimate of the commissioners, would we? A. You would have the records of the court; they first apply to the court, and the judge commits them to our care, and their history is taken.

Q. You have the power of committal yourself without their application to a court? A. Oh, yes; but they do that before the superintendent of outdoor poor, who puts them through an examination.

Q. This examination before the police magistrates in no way indicates whether the person committed is of the decent poor, the rounder, or bummer? A. The commitment simply says, committed by such a court.

Q. And, so far as the records of the court are concerned, they would all appear on the face of the record to be of the same class? A. Yes, sir.

By Senator AHEARN:

Q. Isn't it a fact that two-thirds of the people are people who are sick? A. Oh, yes.

Q. And don't you send them to the hospital? A. Thousands of them.

By Mr. IVINS:

Q. I am not talking about the sick? A. We look upon the inmates of the alms-house and the work-house as two distinct classes, and treat them so.

Q. The inmates of the alms-house are all presumably decent poor? A. Yes, sir.

Q. Are the inmates of the work-house all presumably habitual? A. Not at all, because, in my own experience, I have seen representatives of the best families in the country in the work-house; there are some there now; there is scarcely a profession that is not represented — high and low.

Q. But, apart from such estimate as may be given by the commissioner or the superintendent of the work-house, it is impossible for us to tell what proportion of the inmates are decent poor? A. Well, "decent poor" covers so much, Mr. Ivins; you would hardly find two men who would agree about that.

Q. We would agree by the process of exclusion, would we not; a person who was a rounder, a bummer, and who had been to the island habitually, or who was an habitual drunkard, or a vagrant, would not be of the decent poor? A. There are a large number who are arrested every year at the instigation of the charity organization, for instance, who appear before the judges, and they send them to the island, and they then notify us that they have had a man or a woman, of such and such a name, sent to the island by Judge Duffy, or any one of the police justices, and we have an agreement with them that we will not discharge any of them until they request us to do so, or consent; those are these beggars and other objectionable people.

Q. You know who the decent poor are, generally speaking, don't you? A. Yes, sir.

Q. You know who the rounders are, generally speaking? A. Yes, sir.

Q. Now let us take an illustration; A is a poor mason, who finds it impossible to get employment, or lodgings; he applies to you for a commitment, and whom you commit to the island and send to the work-house, and he has never been on the island before, or in the work-house before, and he has none of the marks of a man who is habitually intoxicated, or anything but the marks of his misfortune;

B is a rounder who has been to the island, off and on, for the last two or three or four years, and has been there for from ninety days to six months at a time, and who has a splendid reputation as a rounder; now, is there any discrimination or distinction made between these two men? A. Oh, yes.

Q. In what way? A. I know men that you would call rounders—I know one man who is a rounder, and who is an inmate of the workhouse; now that man I should be perfectly delighted to have dine with me to-night; he is a rounder of the first water; there aint a man that lives who has got a finer heart or a more magnificent intellect, and yet he is a rounder from way back; and yet I say he is the salt of the earth; but he is unfortunate; he can't get out and stay out a half an hour without that unfortunate appetite being gratified which drives him right into the gutter; now, he is there; he don't feel the association; he is perfectly happy when he is there; he is hard to understand, but he is there nevertheless.

Q. Now, let us take a rounder whose heart is not so good and who is not quite so intellectually brilliant? A. Yes; we have, for instance, a rounder who acts and is the first man on our steamboat; he is worth to-day to any steamboat or steamship company anything that they will pay him, yet he can not to save his life keep sober, but yet that is his case from one year to the other; at the end of six months he is out about three days, and then Charlie is back again.

Q. Now, let us take a case different entirely from either of those, of a man who is a rounder, and an ugly rounder, who has not committed any felonious assault, but who, in his cups is, notwithstanding, a very ugly citizen, whose associations have been bad, whose life, generally speaking, has been bad, and who has spent a good part of it on the island; is any distinction or discrimination made between that man and the dependent carpenter that I have spoken of? A. Oh, yes.

Q. In what way; they both go to the workhouse, don't they? A. Yes.

Q. And they both work on the same jobs? A. I have given instances, there is a man when he gets on one of these debauches who is probably noted as being one of the most troublesome customers the police has to handle, but he is a good mechanic; he is sent to the work-house; he does not stay in the work-house proper, he is assigned, transferred to one of the other institutions, probably as a fireman, or as engineer, or to the bakery; why, you can imagine, we consume from eighty to ninety barrels of flour every day, and we have two paid bakers only, but we generally have from forty to sixty of what you term rounders, bums; well, they are.

Q. Well, let us take up this matter of the assignment; you take these work-house inmates and assign them to different work? A. Yes, sir.

Q. Some you put on repairs of buildings? A. Yes, sir.

Q. Some you put in the blacksmith shop? A. Yes, sir.

Q. Some you send to the hospitals? A. Yes, sir.

Q. Some you put in the carpenter shop? A. Yes, sir.

Q. Some you put in the storehouse to help handle supplies? A. Yes, sir.

Q. Now, would you assign an old and hardened bummer to the same work, or the same class of work, in company with a decent poor man who is there for the first time? A. Oh, well, about the first time, if his sole crime was drunk —

Q. [Interposing.] Suppose it wasn't even drunk? A. Well, then he wouldn't be there.

Q. Now, tell us about this process of assignment, to what classes of workmen are assigned, and by whom they are assigned and for what reasons they are assigned? A. They are assigned to these different institutions because they require their labor; we have a system; if the man is an engineer, or a fireman, or a baker, or a carpenter, or a painter, we assign them to each institution; the institutions make their requisitions, write and say, we would like to have a painter, or two painters, or two laborers, and they are transferred upon the requisitions of the different institutions.

Q. Well, now, don't you assign persons, other than the inmates of the work-house, to labor of one kind or another on the island? A. No, sir; we have none to do it with; we can't assign penitentiary men, you know.

Q. You can not assign penitentiary men to any labor at all? A. Oh, yes; they do the labor; the warden does that.

Q. The warden assign them; what labors are penitentiary men assigned to? A. Carrying out unskilled labor in connection with the erection of or repairs to buildings; alway in charge of a penitentiary keeper.

Q. These penitentiary men, under the charge of the penitentiary keeper, may be sent to the insane asylum on Blackwell's island for the purpose of repairing that building? A. Yes, sir.

Q. Now, is it possible that inmates of the work-house may also be sent there to assist? A. No, sir; we have no work-house help there at all, don't allow them to go.

Q. Don't you ever, at any time, employ work-house help on the same jobs and simultaneously with the penitentiary hands? A. Oh, we do at times.

Q. Then there are occasions upon which penitentiary hands and work-house hands are put to work on the same jobs? A. Very rarely, we may be driven to do it.

Q. Tell us some instances in which it has occurred? A. Where we may be excavating or getting out rock for a building; but they are under their keepers; the work-house gang have their keeper and the penitentiary gang have their keeper.

Q. Suppose they are working on an excavation? A. But they don't work together; I don't know of but rare instances.

Q. But the thing occurs? A. They are not permitted to mingle or have anything to do with one another.

Q. Now, do you keep any records showing where and when these people committed to the island have been put to work? A. Yes.

Q. That record would show in every case whether penitentiary hands and work-house hands were together on the same job? A. Yes; but they are not permitted, as a general thing, to have anything to do with one another.

Q. Now, how frequently, during the last year, have penitentiary men and work-house men worked on the same job at the same time? A. O Lord, I can't pretend to tell you.

Q. Do you suppose it has occurred half a dozen times? A. I couldn't pretend to tell you whether it ever occurred at all; and in saying that I don't want to say that I don't know, because I pride myself upon knowing pretty much everything that is done in the department; I devote my whole life to it, doing nothing else and thinking of nothing else.

Q. Now, Mr. Porter, we will go on with this matter of assignment; you assign certain inmates of the work-house as workers in hospitals, don't you? A. Women generally; yes, sir; I suppose there are a hundred of them at Bellevue to-day.

Q. Have you ever assigned as a worker in a hospital a woman who was committed as a decent poor woman and a woman who was committed for a crime of higher grade than intoxication or assault? A. You couldn't do it if you wanted to; no, sir.

Q. What kind of supervision is kept over the persons — that is, women particularly — who are assigned to work in the hospitals? A. Well, they have the supervision of the warden and his officers, the nurses.

Q. The warden of the hospital? A. The warden of the hospital.

Q. And the nurses of the hospital? A. And the nurses of the hospital.

Q. But no supervision of any kind from the work-house? A. It is not necessary; they are women, as a general thing, that behave themselves very well.

Q. What do you mean by the term helper; and to illustrate that, let us say helper in the Gouverneur hospital? A. The woman down there who does the drudgery, the scrubbing, the scullery and the washing.

Q. Now, are the women who are put to do the drudgery and the scullery in the Gouverneur hospital put there to do that work as a sort of punishment? A. Well, they have gone to the island to punish them and have been transferred from the island to Gouverneur hospital to assist the nurses.

Q. Now, what is the ordinary time of service allotted a woman helper in the Gouverneur hospital? A. Well, they don't generally have them in the hospital without they have been often in the department and they are known; they don't send long term women, because it is a temptation to them to escape and run away; they only send women with short terms, from one month to three months.

Q. Those women with short terms are pretty tough, are they not? A. Some are and some are not; they are not just what they would be if we had paid help.

Q. Now, is it, in your judgment, a desirable thing, or ultimately an economical thing, for the city to assign work-house inmates to do the work which is done by assistants in the hospitals or insane asylums, or helpers, or in the Gouverneur hospital? A. There are very few; we have absolutely divorced the work-house from the insane asylum.

Q. How long ago was that done? A. About two or three years ago.

Q. But you haven't divorced it from the hospitals yet? A. No; we have not; I would like to do it very much.

Q. How many do you suppose are assigned to the hospitals? A. We have about 100 work-house women there, and when you come to substitute paid help they would cost at least about fourteen dollars a month each; it would be a very large item; and then the question would come, what on earth could you do with these —

Q. [Interposing.] Let us confine ourselves to the other thing for a minute; take Bellevue hospital and the 100 helpers assigned to it; the inmates of Bellevue hospital are the suffering poor, are they not? A. Well, they are the sick; that is generally called an acute hospital, the most important hospital in the United States.

Q. How many inmates are there in that hospital, on an average? A. To-day there are probably in the neighborhood of 830 to 840; that is, including the help and all; there are probably 600 to 650 patients.

Q. And they are receiving the benefit of public charity in its most highly organized form? A. Yes, sir; the hospital is presided over by one of the medical board.

Q. And you assign to that hospital some 100 inmates of the work-house? A. Yes, sir.

Q. People of possibly no character? A. Well, many of them, of course.

Q. Of possibly very bad habits? A. Habits bad; yes, sir.

Q. And possibly the most markedly bad reputations? A. Well, they are work-house women.

Q. Persons coming from every quarter of the city? A. Sent up for drunkenness and disorderly conduct.

Q. Many of whom come into the city from every quarter of the earth? A. Oh, yes; prisoners.

Q. And some hundreds of that class of people are sent as helpers to Bellevue hospital? A. Yes, sir.

Q. Now, commissioner, as head of that department, do you think that it is desirable, from the point of view of humanity, Christianity or administration, that those persons should be so employed? A. I should very much prefer to have paid help.

Q. Don't you think that the object for which the hospital itself exists — that is, of a Christian charity — would be better subserved by dispensing with the services of these persons and having paid help? A. Yes, sir.

Q. Then it comes down to this, does it not; that from objects of municipal economy that hospital is obliged to avail itself of the help of work-house inmates, which is, in a certain measure, detrimental to the work of charity itself? A. They don't come in contact with patients at all; they have nothing to do with the patients; they are helpers; they do the scrubbing and the scullery, the drudgery work of the hospital; the patients are not in any way brought in contact with them, nor do they depend upon them for anything that would add to their comfort.

Q. They come in contact with the nurses? A. Yes, sir.

Q. They come in contact with the keepers? A. No keepers.

Q. What do you call them? A. In these hospitals there are nurses and attendants and the house physicians.

Q. And the nurses and attendants occupied in this work of charity are thrown into continuous contact or community with those hundred inmates of the work-house? A. No; they are kept in a separate part of the hospital; they sleep together and eat together and are never allowed to go into the other wards except when they have work to do;

you might go through the hospital this hour and you would not know that there was a work-house woman there.

Q. That is because they would not be at work? A. They would not be at work at present; you know the hospital now is entirely under the care of trained nurses from one end to the other.

Q. And those trained nurses are some of the best people in our community? A. Yes, sir.

Q. Now, is the work done by these inmates of the work-house as well done as it would be done if it were done by paid labor? A. I don't think it is; I think that you could get more from a paid woman than you could from one of those women.

Q. Now, these people live in the hospital? A. Yes, sir; they have quarters assigned to them.

Q. They are taken out of the work-house and assigned to the hospital? A. Yes, sir.

Q. And there they live for the term of their assignment? A. Yes, sir.

Q. Now, how do you maintain discipline over them in the hospital? A. The warden does that; we never have any trouble.

Q. But, I want to come to this point though; the warden of the hospital, although you have no trouble, is the warden of a charitable institution, the disciplinary superior of 100 women of the work-house? A. Yes, but these women seem to recognize the fact that they are in a hospital, bad as they are, and, as a general thing, behave themselves.

Q. What assistance do you give the warden to maintain discipline over these 100 committed women? A. Well, he has various officers — nurses.

Q. How many men and women committed to the work-house are spread through the different institutions by such assignments? A. Well, I imagine probably that to-day there are transferred to the different institutions in the department as many as 800.

Q. Now, what in your judgment, is the moral effect of the scattering of 800 representatives of vice, or crime, or bad habits, through the charitable institutions? A. Well, I should be very much in favor, as I said, of having paid help everywhere; it does not follow always that these inmates of the work-house, either male or female, because they are all gone beyond redemption, because they are not; many a woman who has unfortunately got on a spree, been arrested and sent to the island, and served her time, and gone home and behaved herself; it has been a lesson to her.

Q. Now don't you assign inmates of the work-house to work in the penitentiary? A. No, sir.

Q. To do work of any kind? A. No, sir; never.

Q. You assign them to work in the alms-house? A. Yes, sir.

Q. Well, the inmates of the work-house come in contact with the inmates of the alms-house to the extent to which they are assigned there to do work? A. Oh, yes; it isn't an unusual thing to have a husband in the work-house and his wife in the alms-house; if the man's habits are bad and he fails to support his wife, the poor thing has to go to the alms-house.

Q. Then having sent the woman to the alms-house and the man to the work-house, you could take the man out of the work-house and assign him to the alms-house? A. Oh, no; not necessarily [laughing]; if I thought I could contribute to their happiness without doing any harm, I would do it in a minute.

By Senator AHEARN:

Q. Commissioner, there is another class of persons sent to the work-house, a man that abandons his wife and refuses to provide for her? A. Oh, yes; a good deal of this management is done, and ought to be done; if a man is at the head of it who is supposed to have the interest of the department at heart, he will manage the thing, and while not strictly adhering to the law, he is doing better than if adhering to the law for every one; he has got to have a certain amount of discretion and use it; I think that is what it means by being appointed to office — to do the very best thing you can; not by that to pay no attention to the law, but to use an intelligent discretion.

By Mr. IVINS:

Q. You assign inmates of the work-house to service in the lunatic asylum at Blackwell's island? A. I think not; I think we have stopped it altogether; there may be a little of it; in old times it was done, but now the women do all their own work; the insane women and the male patients do; in old times they used to have it — even the laundry work.

Q. Do you assign persons committed to the work-house to service in the charity hospital? A. Yes, sir; in all the hospitals; every hospital.

Q. To the insane hospital at Ward's island do you assign any work-house people? A. No, sir.

Q. Do you assign any persons to the homœopathic hospital at Ward's island? A. Yes.

Q. Do you assign any work-house people to work on Randall's island? A. Yes; a great many.

Q. What work do they do there? A. All the drudgery.

Q. What is there at Randall's island? A. Principally children—the infant asylum and the idiot asylum and crippled and ruptured.

Q. And these work-house people work on Randall's island with the children and the ruptured and the crippled? A. No; not with them; they are all taken care of by paid help.

Q. They are taken care of directly by paid help? A. Yes, sir.

Q. All the heavier work, the drudgery, is done by these people? A. Yes, sir.

Q. Now, who is responsible for the discipline of those work-house people on Randall's island? A. The medical superintendent and his staff officers.

Q. So that the medical superintendent of Randall's island is not only a medical officer but a disciplinary officer? A. Yes, sir; the same thing applies to this institution as to Bellevue; it would be much better for these institutions to have paid help, but as it is we have to do the best we can.

Q. Don't you assign inmates of the work-house to do the drudgery for certain of the female prisoners? A. What prisoners?

Mr. Ivins.—At the penitentiary and elsewhere.

The Witness.—Oh, no.

Q. Never at all? A. No, sir; oh, no.

Q. Now, I find this, which I will put in here, and I will have verified by Mr. Tate to-morrow; the work-house help, males and females, calculating the work of persons assigned at a dollar a day as being the value of the service; could you have that service for less than a dollar a day in your opinion? A. Women?

Mr. Ivins.—Yes.

The Witness.—Oh, yes.

Q. You couldn't get the services of the men for a dollar a day? A. No.

Q. How much would it cost you per diem on the average for paid women to do the work which is now done by the women from the work-house, ten dollars a month? A. Hardly that; I should say twelve dollars for that kind of work.

Q. Now, I find there was done in the charity hospital, in the alms-house and Bellevue hospital, in Randall's island hospital, Randall's island farm, Harlem hospital, Insane asylum, Blackwell's island, the Infants' hospital at Randall's island, Insane asylum at Ward's island, the Homœopathic hospital, bakery at Blackwell's island, and on the steamboats, 64,780 days labor by males, and 120,415 days labor by females; I put that in as bearing on the question of economy, inasmuch as there seems to be a conflict between the desire for economy

on the one side, and the desire for a better service and a little bit more observation for morality on the other side, and I find that there was done by the persons committed to the island from both correctional and charitable institutions for the year ending September 30, 1890, 387,513 days work of both classes? A. All those things are matter of record in our department; I really think, Mr. Ivins, I know that some three or four years ago our methods were considered so perfect that the city of Chicago sent a gentlemen here who stayed three weeks studying them, and our methods have been copied and carried out there.

By Senator AHEARN:

Q. Commissioner, is it not a fact that you are pretty well crowded up there? A. Yes, sir; that is our great trouble.

Q. Did you make an offer to the State there to hire Ward's island from them? A. Well, we have a part of the Ward's island buildings now.

Q. You have nothing to do with the part of the Commissioners of Emigration? A. No.

Q. Didn't you make a separate figure? A. Well, no; we had some talk about it, but it all fell through.

Q. If you had Ward's island, the part that is now controlled by the Commissioners of Emigration, there would not be any trouble about accommodating the people under your charge? A. We would have additional room; we could extend our room, of course; but I think it is very unwise; the buildings are old and dilapidated, and as soon as you get them you commence to repair, and repair and repair; the trouble is, the majority of our buildings are old and dilapidated and require a monstrous deal of repairs.

By Mr. IVINS:

Q. Do you know to whom Ward's island belong? A. Yes, sir.

Q. To whom? A. Part of it belongs to the city of New York; it has been acquired since I have been a commissioner.

Q. And to whom does the other part belong? A. The State of New York.

Q. Didn't the State make a loan of $200,000— A. [Interrupting] That I don't know.

Senator AHEARN.—They have a mortgage of $200,000.

Q. [Resuming.] Does not the State own the part of it on which they placed the mortgage? A. I believe it does.

Q. So that it loaned $200,000 on its own property? A. Yes, sir.

Senator AHEARN.—The State appropriated $500,000 for the maintenance of that institution for ten years.

Q. Now, what proportion of the sentences to the work-house are for ten days or less than ten days? A. Oh, that is matter of detail.

Q. Can you make any estimate? A. I could give you a statement any time you wanted it.

Mr. IVINS.—Will you make a memorandum of it?

The WITNESS.—Mr. Benn, will you please put that down.

Mr. IVINS.—The proportion of the sentences to the work-house for ten days or less.

Mr. BENN.—That is a statement I have not got.

Mr. IVINS.—Well, will you make one, as compared with statements for a longer time?

The WITNESS.—That you will find in the report of the police justices.

By Mr. IVINS:

Q By the way, how long since you have made a report of your department? A. We make a quarterly report to the mayor.

Q. Do you bring your quarterly reports together in the form of an annual report? A. Yes, sir; then we have just sent our annual report to Albany.

Q. That is made to whom? A. The Secretary of State.

Q. That is in addition to the quarterly reports to the mayor? A. Yes, sir.

Q. Are your quarterly reports to the mayor brought together and published as an annual report in a single volume? A. Yes, sir.

Q. Will you supply the commission at the session to-morrow with the last four or five reports? A. Unfortunately, the city of New York is very economical; we have to do our own printing by the insane; we are rather three or four years behind; that is, not having them printed; the reports are there.

Q. Will you bring down the reports, then? A. We will bring down the last report we have; we are very proud of it.

Q. Bring it down in the manuscript? A. No; not in the manuscript; we have the printed report; the manuscript is at the printing bureau; I think the State board say that, as far as our asylums are concerned, they are hard to be improved upon.

Q. Now, you have had six or seven years' experience in watching the effect of their treatment for correctional purposes on the island? A. Yes, sir.

Q. Now, in your judgment, is it possible to secure any improvement among the class known as rounders so long as they are sentenced only

for a few days each? A. Well, that is a question, Mr. Ivins, about which almost everyone who takes an interest in the unfortunate differs; I don't know, I am sure, what to say.

Q. I want the benefit of your opinions as a man of seven years' experience and expert knowledge consequent upon it? A. I think that the man, after he has been committed two or three times and he insists upon repeating it, ought to be obliged to serve a very long term, or if it could be, that he were discharged with the understanding — as they do up at the Elmira reformatory — that should he fail again he goes back without trial and being arrested and serving out.

Q. Do you agree with those who hold that the habitual offenders or old rounders would be treated more as they deserve and the community better off and the punishment more properly fitted to the crime if they were committed for six months, instead of for short terms of ten days or twenty days each? A. I think if they were committed for six months, with the understanding that they were to stay there and obliged to serve their term, it would be better; they are committed for six months, but unfortunately they are not allowed to remain there.

Q. Now, that brings out the matter of their stay there; you have no authority, have you, of your own motion, to discharge from the island a person committed but whose term has not expired? A. We can not discharge, except those committed for vagrancy or abandonment.

Q. Can you discharge those of your own motion? A. Two commissioners are the only ones that can discharge them; it takes the signatures of two commissioners; there is no other power that can discharge them.

Q. A police justice himself can not discharge them? A. No, sir; he can recommend, but it remains with us to discharge.

Q. You make the discharge? A. Yes, sir.

Q. Now, in how many cases have you within the past year made discharges without the recommendation of the police justice who committed the party? A. Why, never; there are no such cases, Mr. Ivins.

Q. You say there are no such cases? A. I do not know; not as you put it.

Q. I ask first if you have made any discharges at all without the recommendation of the police justice? A. We can't do it.

Q. You have to have the recommendation of the police justice? A. In cases of what they call vagrancy — a vagrancy case, a man who is arrested, you know, for being a street beggar, and things of that kind;

they are not cases of destitution; they are vagrancy cases; their discharge can be given to them only by two commissioners; or abandonment cases.

Q. Vagrancy and abandonment cases can be discharged by two commissioners? A. Yes, sir.

Q. By no one else? A. No.

Q. Now, sometimes those discharges are made on the recommendation of the police justice? A. Yes.

Q. Sometimes they are made without any recommendation? A. Never without the application of somebody; many times by the application of the charity organization, others by the application of a wife who has had her husband arrested for abandonment and who has been up to see him, and he has promised to behave himself, and she asks for his discharge and we discharge him.

Q. But I want to get at the proportion of cases in which the discharge is recommended by the police justices? A. Oh, we never discharge; the discharges are recommended by somebody.

Q. Now, keep right down to the one point; I do not care about anybody but the police justices; in what proportion of cases are discharges made on the recommendation of police justices? A. You mean ordinary discharges from the work-house?

Q. Yes. A. They are all signed by the justice—must be; an ordinary committal to the work-house must be signed by the police justice committing; they are all signed by them.

Q. I am not talking about committals; I am talking about the discharges? A. The discharges have to be signed by them; in old times they used to discharge them simply on the signature of the police justice, but that is stopped now; no one is discharged after having been committed except the discharge be signed by the police justice and the commissioners.

Q. Then it takes the action of both the commissioners and the justices? A. Yes; always.

Q. Have you ever refused to make a discharge in a case where the police justice has signed the discharge? A. I don't think I ever have, sir.

Q. Then it comes down to this: If the police justice signed the discharge you or your fellow commissioners countersign it, of course? A. I take it for granted that the judge has heard the case and for some good reason has granted the discharge.

Q. Then it comes back to where it started, that so far as discharges are concerned, police justices are responsible for discharges from the island? A. Yes.

Q. And that the law which gave you the power of countersignature and which deprived the police justices of the power of making discharges without your approval is, to all practical intents and purposes, a dead letter? A. I presume it is; you see if we had to sit ourselves as a court of appeals, or general term, there would be no end of the labor we would have to do.

Mr. IVINS [To Mr. Benn].—Will you prepare a statement of the number of discharges from the island prior to the expiration of the time for which the persons were committed, by years, for the past ten years and by months in each year?

Q. [Resuming.] Now, I find by going over such statistics as I have, that the discharges usually are a hundred per cent more in the month of October than they are in any other month in the year? A. I guess you and I understand that.

Q. We understand it, but I want the committee to understand it; why is it, Mr. Porter? A. Well, I don't know; they discharge them.

Q. Police justices discharge them? A. Yes, sir.

Q. And you do not exercise your prerogative of withholding your countersignature? A. No; I have it very often; it is not an unusal thing; it is very natural; as I go up to the island, they say, "Commissioner, I have been here half-time"— and half-time is always considered too, a good reason if they behave themselves; the warden can discharge them on half-time; well, when these men say, "Commissioner, won't you let me out;" I say, "what for;" they say, "well, I want to vote; I want to register."

Q. They get out on the basis of the feeling of good fellowship on the part of the commissioner, the acquiescence of the magistrate and escape a portion of that punishment in order to exercise their rights as freemen? A. Yes, sir.

Q. In other words, to help elect officers to make appropriations to support them in future on the island? A. Unfortunately, that, I suppose, is the basis.

Q. Who is the superintendent of the department of charities and correction? A. Mr. Blake.

Q. Who is the warden of Bellevue hospital? A. Mr. Fallon; he has only been there two years, but he has made an admirable officer.

Q. Who is the warden of the tombs? A. Warden Osborn; he was formerly warden of the penitentiary, one of the best officers I ever knew.

Q. Will you ask those three officers to come here to-morrow at noon? A. Yes, sir.

At this point the committee adjourned to meet Tuesday, December 30, 1890, at 10.30 o'clock.

TUESDAY MORNING, *December* 30, 1890.

Present — Chairman Hendricks and Senator Ahearn.

HENRY M. TATE, being recalled, testified as follows:

By Mr. IVINS:

Q. Mr. Tate, have you made an examination of the books of the street cleaning department? A. Yes, sir.

Q. And is this your report [handing paper to witness]? A. Yes, sir.

Q. Showing a comparative table of appropriations and expenditures from the year 1882 to date? A. Yes, sir.

Q. A general classification of the expenditures from January 1, 1882, to date? A. Yes, sir.

Q. The amount of garbage and ashes removed during the same time? A. Yes, sir.

Q. The amount of snow and ice removed during the same time? A. Yes, sir.

Q. The mileage of streets swept during the same time? A. Yes, sir.

Q. The cost per load of the removal of ashes and garbage, the street sweeping, and the removal of snow and ice during this time? A. Yes, sir.

Q. The pay-roll of the office force for 1890? A. Yes, sir.

Q. And the pay-roll of the outdoor force of the department as well? A. Yes, sir.

Q. The revenues of the department? A. Yes, sir.

Q. You say the above revenues are credited to the sinking fund? A. Yes, sir.

Q. Are you sure of that; is it not the general fund that they go into? A. I took the statement from the report of Mr. Coleman.

Q. Well, will you make an especial inquiry in the department of finance as to whether those revenues aggregating $54,709, go into the sinking fund or general fund? A. Yes, sir.

Q. And the details of the expenditure under the several proper titles of administration, sweeping, carting, etc., from 1886 to date? A. Yes, sir.

Q. This report and these figures are correct as taken from the figures of the department? A. Yes, sir; and the report of Mr. Coleman.

Q. And the report of Mr. Coleman; that is one of the records of the department? A. Yes, sir.

Q. Have you made an examination of the books of the department of charities and corrections? A. Some of them; yes, sir.

Q. And so far as your examination has proceeded these are your reports [handing paper to witness]? A. Yes, sir.

Q. And these reports are correct? A. Yes, sir.

Q. This which is marked Exhibit 2, containing the report of the salaries of the department for the year 1890? A. Yes, sir; based on the pay-roll of November.

Q. I will ask you to supplement that by giving the total number of those employed? A. Yes, sir.

Q. As well as the aggregate of the sums paid for salaries or wages? A. Yes, sir.

Q. This which I will have marked Exhibit 3 is a comparative statement of the receipts and expenditures from 1885 to 1890 inclusive? A. Yes, sir; and other matters as well.

Q. And other matters as well; the other matters being the comparative table showing the census of the institutions? A. Yes, sir.

Q. From 1885 to 1890? A. Yes, sir.

Q. The table showing the average cost per capita per diem in the institution in the department of charities from 1886 to date? A. Yes, sir.

Q. The table showing the cost per capita for supplies in the department from 1886 to 1890? A. Yes, sir.

Q. A table showing the cost per capita or amounts asked for salaries and supplies for 1889 in the institutions? A. Yes, sir.

Q. And that is also correct by comparison with the books? A. The per capita statements are taken from the statements in the provisional estimates submitted to the board of estimate and apportionment.

Q. Have you made an examination of the expenditures in detail from January 1, 1885, to December 1, 1890, under the several proper heads? A. Yes, sir.

Q. For the purpose of comparison? A. Yes, sir.

Q. And this is your report? A. Yes, sir.

Q. And it is correct? A. Yes, sir.

Q. And this will be marked Exhibit 4; have you made an examination of the books showing the cost of certain supplies bought under certain contracts? A. Yes, sir

Q. And this is it [handing paper to witness]? A. Yes, sir.

Q. And that is correct? A. Yes, sir; it is only a memorandum of some of the contracts, not all; some of the contracts for 1890.

Q. As it is specifically referred to? A. Yes, sir.

Mr. IVINS.—That will be marked Exhibit 5.

HENRY H. PORTER, being recalled, testified as follows:

By Mr. IVINS:

Q. Last night we were examining in the matter of discharges from the island? A. Yes, sir.

Q. Section 398 says: No person committed to the said city prison or the work-house for drunkenness or disorderly conduct shall be released or discharged from confinement before the expiration of the time for which he or she shall be committed, except upon reversal of judgment upon appeal or review of a court of superior jurisdiction by the magistrate making the commitment without a written order directing such discharge to be made and signed by the committing magistrate and one of the commissioners of charities and corrections? A. Yes, sir.

Q. I understood you to say two last night? A. No, sir; that is, "drunk and disorderly," and that section speaks of abandonment.

Q. Section 414 provides: "The said commissioners shall not in cases where by law they are empowered to discharge vagrants from an institution under their control hereafter discharge any of the vagrants from custody before the expiration of their terms of imprisonment without written consent of the committing magistrate in each case? A. Yes, sir; they generally make out their discharge and say "we hereby," or "I hereby approve," or "I hereby recommend the discharge of" John or Anna so and so.

Q. Well, in the one case your board has the power to take the initiative? A. Yes, sir.

Q. That is the case of vagrants? A. Yes, sir.

Q. And upon the consent of a majority of your board to discharge such vagrants providing the committing magistrate approves of the discharge? A. Yes, sir.

Q. In the other case the committing magistrate has a right to discharge providing one commissioner of your board joins with him in making the discharge? A. Yes, sir.

Q. Is there any reason why there should be such a theoretical difference? A. Well, really, Mr. Ivins, I don't know that I am —

Q. Well, do you know of any reason why there should be? A. No; I don't.

Q. Now, there is no practical difference made, is there? A. No, sir.

Q. And I understood you yesterday to say that in each case the real initiative was taken by the committing magistrate? A. Generally; yes, sir; except there was a personal application made to us or as the warden here will explain to you that he receives a letter or applica-

tion from some friends, and looking up the record of the prisoner, man or woman, he recommends the discharge to us, and that we apply to the judge and he considers it in the interest of the prisoner himself and the man or woman may have a family and various reasons may enter into the discharge of a large number of these people.

Q. Then, so far as you, as the heads of the department are concerned, you do not see any reason why this distinction should be maintained on the statute books if the present practice is to prevail? A. No, sir; I do not.

Q. Now, what is your judgment as to the desirability or propriety of permitting discharges to be made from the island in any case except that of vagrancy by the act of the magistrate, or by the act of a commissioner? A. As I said before, Mr. Ivins, there are so many cases — for instance, a man may have been arrested last night for drunk and very disorderly conduct, giving the police a great deal of trouble, and upon his appearing before the magistrate the police officer tells the tale of his having torn his clothes and of giving him so much trouble in getting to the station-house, and the judge will give him six months; he will be there two or three days, when his wife appears, and says he is a hard-working mechanic, and says he has a wife and four or five children, and if he is not discharged she will be obliged to go to the alms-house, and the children to some institution; we have that almost every day, in innumerable cases; I, myself, have a blank discharge made to send to the judge, with the recommendation that he discharge the party.

Q. Now, are the cases of the class which you have just described, a majority of the cases? No, sir; I think not, sir.

Q. They are really a small minority, are they not? A. Yes, sir.

Q. And rather exceptional? A. The superintendent is here with you, and he will be better able to tell; he has been forty years in the department, and knows this thing almost by heart; that is, he is in constant contact with the prisoners, and has been, and knows them all, not only by sight, but their general history.

Q. The system, nevertheless, exists of administering that particular part of your work upon a basis of powers which the Legislature seems to have thought necessary to grant, in order to take care of just this minority class of cases? A. Yes, sir.

Q. Now, don't you know of cases where police magistrates have recommended the discharge from the island of persons who were not hard working mechanics? A. Oh, yes, sir; I don't know of any instance, but I presume they, like myself, are often deceived, the best of us; I imagine that the warden will testify that there is not a day

that he does not receive from one to 100 applications, and written letters, in which all sorts of excuses are made, that families are suffering, and mothers or fathers have died, and I don't know what all.

Q. That is inherent in the conditions of your business? A. Yes, sir.

Q. It is a necessary and natural condition? A. Yes, sir.

Q. Now, when a police magistrate recommends the discharge of a person convicted, let us say, for disorderly conduct, or for assault and battery, or for anything other than vagrancy, and has signed the discharge which you countersign, does there come to you with that discharge any statement of the facts of the case upon which you predicate your action, either for or against the discharge? A. No, sir.

Q. None whatever? A. No, sir.

Q. So that it is merely a formal thing then, your signing? A. Yes.

Q. Now, is there any reason why a person so discharged should not, as a condition precedent to their discharge, be compelled, by law, to make a sworn statement to the police justices of the facts of the case, and that the police justice, himself, should be required also to take the sworn statements of the petitioners for the discharge, and to make and refer to you, not only the sworn statements of the petitioners for the discharge, but a list of the persons who recommended the discharge? A. I think it would be a very good plan.

Q. If that were done then discharges could as well be made in all cases where they ought to be made, and would not be made in cases where they ought not to be made? A. No, sir.

Q. Now, do you know of anything in the law which to-day requires the police justices to take the sworn petition from any one for such discharge? A. No, sir.

Q. Now, take the case of your destitute, but drunk and disorderly mechanic whose wife and children are in distress because of his confinement; that man has been tried, has he not? A. Yes, sir.

Q. Upon the trial a record has been made? A. Yes, sir.

Q. The record becomes part of the public archives? A. Yes, sir.

Q. And on that record he is condemned, is he not? A. Yes, sir.

Q. We will say for six months? A. Yes, sir.

Q. Now, as against that public record and that apparent final determination, as the law stands to-day, it is only necessary for his wife or his political friend to come forward and present the case not under oath and not of record, for the police magistrate in his own judgment with the fullest liberty as and when he sees fit to sign the discharge? A. Yes, sir.

Q. Which discharge comes to you and which you formally and without any inquiry countersign? A. Yes, sir.

Q. And the person goes free? A. Yes, sir.

Q. Now, don't you believe as president of your board that it would be better that no discharges should be made except upon a hearing or upon papers which shall be as public as the trial upon which a conviction was found? A. Yes, sir; I think so, but I would state, Mr. Ivins, in regard to the discharges we have innumerable applications made every day from those who were committed by the police magistrates and self-committed, they apply to us for their discharge giving various reasons; the rule of our board is that those applications are all referred to Superintendent Dumphy for report; he looks through the record and if he finds that they have been committed several times he so reports to us, and generally says: "I therefore refuse to recommend his discharge," which is invariably approved.

Q. How does that work in cases of persons who have been committed for causes other than vagrancy? A. It is the same class, drunk and disorderly conduct and destitution.

Q. Have you personally ever refused to discharge a person whose discharge has been recommended by a police magistrate? A. I have refused, yes; in so far as this, after the discharge has been presented and discovering that the man was a notorious rounder or some other objection to his discharge, I have sent the discharge to the judge calling his attention to the fact of the man's record, and I must say in justice to the judges, that they have generally said "all right."

Q. Has that been a matter of frequent occurrence? A. Well, not very frequent, but it has occurred quite often.

Q. It is exceptional nevertheless? A. Yes, sir; but when their attention has been called by the commissioners to the fact that the commissioners think that the man ought not to be discharged I think the judge generally agrees with us.

Q. Now, I want to take up the statute which is the charter of your department, section by section, as to section 387, which requires a division of the department into bureau of charities and bureau of corrections; we found, yesterday, that that was not really done, but only ostensibly? A. Well, it is done, and absolutely done; but then you, as a lawyer, would say that it was not done; it is done, but the bureaus, that is, for instance, in that door is the bureau of charities, and in that the bureau of corrections, that does not exist; the bureaus are made up of the three commissioners.

Q. There is no necessity for a physical division so far as two rooms are concerned or anything of the kind; I think you covered that sufficiently, yesterday; this is a copy of the resolution, is it, under which that division has been made? A. Yes, sir.

Mr. Ivins here read the resolution referred to, which was marked Exhibit 6, of this date, and is as follows:

WHEREAS, Section 74 of chapter 335 of the Laws of 1873, and section 387 of chapter 410 of the Laws of 1882, provide that there shall be two bureaus in this department, namely, a bureau of charities and a bureau of correction; now, therefore, be it

Resolved, That Commissioner Henry H. Porter be, and he is hereby assigned to duty during the pleasure of this board as the executive head of the bureau of charities; and that Commissioner Thomas S. Brennan be, and he is hereby assigned to duty during the pleasure of this board, as the executive head of the bureau of correction.

Resolved, That the bureau of charities shall have cognizance of all matters, within the jurisdiction of this department, relating to persons not criminals, including the operations of the superintendent of outdoor poor.

Resolved, That the bureau of correction shall have cognizance of all matters within the jurisdiction of this department relating to criminals.

Adopted unanimously.

A true copy from the minutes. G. F. BRITTON,
Secretary.

NEW YORK, *March* 11, 1886.

The WITNESS.—And that is still in existence, except that so far that when Mr. Brennan ceased to be commissioner and Commissioner Shea was appointed in his place.

Q. Was anything ever done to carry out the provisions of that resolution? A. Yes, sir.

Q. What? A. Well, I attended to those duties strictly.

Q. You attended to the duties? A. Yes, sir.

Q. And Mr. Shea attends to the other duties? A. Yes, sir.

Q. Has anything more than that ever been done to carry out the provisions of that resolution? A. Not that I know of; no sir.

Q. And the resolution was left to carry itself out? A. No, sir.

Q. Except that you performed certain duties and Shea performed certain duties? A. As I told you a minute ago, as a lawyer, you would make it appear as if the thing was entirely overlooked, but it is not so.

Q. This resolution is equivalent to saying that the board of charities and corrections approve of the statute? A. Yes, sir.

Q. And is going to pass a resolution to conform to its terms as far as the board is concerned? A. I say that the statute, as far as its

terms are concerned, if you chose, is really and strictly adhered to, and carried out.

Q. Do you, as a serious witness, now want to go on record as saying that you think, as president of that board, that the statute is strictly adhered to, and carried out by the actual division of that department into two distinct bureaus? A. No, sir.

Q. Now, can it be done? A. It might be done, but I think the department would suffer.

Q. What is your judgment of the general policy of the statute providing it were done? A. I think the department would probably suffer; the power of any one institution being under the head of any one commissioner, so that his colleagues had no power to act.

Q. Well, that would not follow, you know; the head of any bureau would be subject to the board? A. I mean it would embarrass a great deal the management, I think, of your department.

Q. Have you ever heard the question mooted of a division of the department into two departments? A. Oh, a great deal.

Q. One a department of charities and one a department of corrections? A. Yes, sir; I have, day and night, for ten years.

Q. That would be quite possible, wouldn't it? A. No, sir.

Q. I mean physically? A. It would be, physically.

Q. I will ask you about the desirability of it later; that would be physically possible? A. Oh, certainly; each institution could be put on its own footing.

Q. Instead of having two departments, one of charities and one of corrections; instead of having an independent department of charities and an independent department of corrections, which some people advocate, both of these functions are entirely controlled by a single department? A. Yes, sir.

Q. Don't you think that it was the purpose and object of the law, that although these matters are to be put under the charge of a single department, the actual division between correctional institutions and charitable institutions, was nevertheless to be maintained by thoroughly distinct bureau organization, but that both of those bureaus should be under the ultimate superior control of a single board; wasn't that the purpose and policy of the statute? A. Well, it may have been, but I don't think the history of the department carries it out, that is, the administration as far back as I can go.

Q. The department has got to be conducted upon one of the three plans, has it not; either managing the correctional and charitable institutions together on the same general plan without bureaus, and, so far as the books, bureaus, organization, and everything of that kind

is concerned, singly, or else there has got to be a new division of charitable institutions on one side in one department and correctional institutions on the other side in another department; or third, that the two systems may be combined of having a distinct management under a distinct bureau of the correctional institutions, and a distinct management under a distinct bureau of the charitable institutions, all under the ultimate supervision of the board of charities and corrections? A. Yes, sir.

Q. One of those three plans alone is possible, isn't that the fact? A. Yes, sir.

Q. Now, what is your judgment as to the desirability of a division, actual division of this department of charities and a department of corrections, as is advocated by so many members of the State Charities Aid Association? A. Well, I have never been able to approve of it.

Q. For what reason? A. In the interest not only of administration but of economy to the city.

Q. Wherein do the economies appear? A. Well, in the amount of labor performed by these correctional institutions to the charitable institutions.

Q. That is all on the assumption that the law as it stands to-day permits that labor to be performed, doesn't it? A. Yes, sir.

Q. And that is all on the assumption that your absence of bureau organization is legal, is it not? A. Yes, sir.

Q. Now, suppose you had an actual bureau organization with an actual division between the two bureaus, and that it were to develop that you had no such power as you think you have; I mean to assign labor from correctional to charitable institutions, then would there be any economy in the present system as compared with a system of two departments? A. If we are denied the right to avail of the labor of the inmates of these institutions, of course, there would be no particular economy except that we all know that in supplying the institutions covering such a large number that our supplies are bought at a rate which is very much under that paid for it by any of the other institutions in the country; that has been demonstrated at every investigation.

Q. The theory of the management of correctional institutions is very different from the theory of the management of charitable institutions, is it not? A. Yes, sir.

Q. The two matters or subjects treated scientifically are absolutely divergent and unlike, are they not? A. Yes, sir.

Q. They have nothing in common, have they? A. Yes, sir; but I never have seen any reason in the world why they can not be managed, however, just as they are and quite as well as if they were divided into two separate departments, for I maintain to-day that every institution in our department except so far as buildings are concerned, are equal to any like institutions on the face of this earth, and that is saying a good deal: and not only that, but it is testified to every day by people who have made these things a life long study; the only trouble in the work-house is what on earth to do with its inmates to keep them employed.

Q. Well, we will come to that again, when we reach that section of the law; don't you think that the demand for a division of this department into two departments would be sufficiently met if the law were actually as well as literally complied with, by the thorough division of the department into two organized bureaus? A. I don't see what would be gained, Mr. Ivins, except simply to comply with the letter of the law as you interpret it or as many interpret it; I do not see what would be gained by it.

Q. Then you oppose the division of the department into two departments? A. I oppose it, yes, sir.

Q. And you oppose the actual effective division of the organization of the department into two bureaus? A. Yes, sir. I think that the same end may be attained by allowing the administration to remain [illegible] as it is, but be amended in regard to discharges and terms of [illegible] would bring about the reforms required without any change in the system.

[illegible]

virtually nullify the purpose of the Legislature in regard to the division of the department distinctively into two bureaus? A. That is all, and the difference is simply in the mode of expressing; you and I agree perfectly, but you are a lawyer and I am not, and you make it appear one way and I a different way; I contend that it is carried out strictly while we have not the machinery which you would think necessary to do it.

Q. Well, now we will go on to other matters and although the arrangement of the statute is not logical, we will take the statute as it runs, section by section, although it will shift us from one subject to another with some rapidity; section 388 applies to the maintenance by the department of an industrial school on Hart's island; you are authorized in connection therewith to employ and use the labor of any person from any of the public institutions committed to its charge? A. Yes, sir.

Q. And the board of charities and corrections are authorized to commit to a plane in such industrial school any of the children who may be committed to their care; do you understand that as a meaning that you may employ and use the labor of convicts in the penitentiary on Hart's island if you want to? A. No, sir; not at all; we have an industrial school on Hart's island.

Q. I will come to that later; "in connection therewith," that is, the industrial school on Hart's island, "is authorized to employ and use the labor of any person from any of the public institutions committed to its charge?" A. Yes, sir.

Q. You don't understand that that means that you may use the labor of persons committed to the penitentiary there? A. Couldn't do it, you know.

Q. You couldn't do it? A We couldn't do it, possibly; how could we?

Q. The law, as it stands on its face, would appear to permit you to do it, wouldn't it? A. We would have no right to transfer a prisoner from the penitentiary out of the city and county of New York; Hart's island is in Westchester county; that alone would preclude the possibility of doing that.

Q. Well, the statute on its face is absolutely contradictory? A. Yes, sir.

Q. In one case you are required to keep your prisoners confined and in the other case you are permitted by statute to employ and use the labor of any person from any of the public institutions committed to your charge? A. Yes, sir.

Q. That ought to be remedied, ought it not, by removing any possible obscurity from the statute? A. I think it would be just as well;

the commissioners have always interrupted it though, any man understanding his duty would; you couldn't do it, we couldn't do it; we would make ourselves liable to indictment by removing prisoners out of the county.

Q. I don't think you would; of course, what the committee has in view, is the clarification of the statutes and their better co-ordination? A. Yes, sir.

Q. Tell us what the industrial school on Hart's island is and when it was established? A. It has been established in the last three years.

Q. The average numbers there now? A. Well, that is a matter which I haven't got in my head; the warden would tell me.

Mr. IVINS.—Let's just ask him now.

The WARDEN.—One hundred and sixty-three.

Q. Do you call that the branch work-house? A. Yes, sir; has been for years.

Q. What goes to make it an industrial school? A. Well, the warden is rather a kind-hearted, benevolent sort of an individual, and he has established, or rather we have always had shops there to work in, but in addition to that he has a school and temperance societies and a printing bureau and all sorts of things; he is an enthusiast in redeeming and reclaiming the fallen, and we send the younger members committed to the work-house on Hart's island.

Q. Is it not a fact, Mr. Porter, that this so-called industrial school at Hart's island is not an organized school at all? A. No, sir; it did not exist there at all for many years; it did not exist when I was first commissioner.

Q. Now, the statute authorizes you to maintain an industrial school on the island? A. We have an industrial school on Randall's island which is worthy of the name.

Q. I mean Hart's island, now? A. Yes.

Q. You have no organized industrial school at Hart's island, at all, have you? A. No, sir; well, that is not fair to say that; we have, but it is not —

Q. Have you a principal of the school? A. Yes, sir.

Q. Who is it? A. I have forgotten his name, but there is a teacher there, and I think two.

Q. What do the teachers in the industrial school teach; are there teachers in manual training? A. I think the keepers act as teachers, too.

Q. And who appoints the teachers? A. The commissioners.

Q. What do the keepers get? A. I think they get $750.

Q. And are they appointed, and when appointed are they required to have the qualifications of teachers? A. No, sir.

Q. As a matter of fact you do not expect the people who become keepers in your institutions to have the qualifications of teachers; they are not examined on that basis and are not paid on that basis, are they? A. Mr. Ivins, before you go any further into the school business, it would be just as well to say that the root of all this trouble until the law is so changed that a man or boy committed to the work-house is obliged to stay, for instance, if he is committed for six months, and most of them coming to Hart's island are sent there for long terms, until it is fixed that they do remain their terms out, the necessity for the school scarcely exists, because you no more than get a boy fairly started before his discharge comes, and it is the most difficult thing, almost impossible; it can not be maintained, you know; they change as the wind changes, but if the terms were settled, if a boy who was noted for being a disorderly boy in his district were committed to the work-house and was intended to stay there for his term and then to be sent to an industrial school, why something might be accomplished, but so long as they are to be discharged, some of them a few days after their committal, why the school can effect but very little.

Q. What does section 412 mean where it says, that it shall be lawful for the board of public charities and corrections to commit to any of the institutions under their charge other than penal, for a period not exceeding six months, any person or persons committed to their charge by any police magistrate of the city of New York, and such vagrants as ask for admission; such vagrants as ask for admission might be committed by you for six months to the charitable institutions? A. Yes, sir; I went from here last night to the Tombs, on my way up; I sent fifteen men and three women to terms varying from four to six months.

Q. Suppose a police justice has committed a person to the island as a vagrant for ten days? A. Yes, sir.

Q. Haven't you under this section full power to commit them for six months to an institution which is not penal? A. No, sir.

Q. Haven't you the same power to commit for six months which you have to commit if they are applicants for commitment, personally? A. If the judges commit for the term we have no right to interfere with it; if they commit them to our care — the care of the commissioners of charities and corrections — then the commissioners have a right to commit them for any term up to six months.

Q. What does the statute mean when it says that it shall be lawful for the board of charities and corrections to commit to any of the

institutions under their charge other than penal for a period not exceeding six months, any person or persons committed to their charge by any police magistrate; don't you think that you would have power under that section to commit any minor to the Hart's Island industrial school or Randall's Island industrial school for six months, who is sent to the island by the police magistrate, no matter what the time given him by the police magistrate was? A. Well, we do; those are the cases I spoke to you of last night, but you do not find any young boys asking to be committed.

Q. But we will take a specific case; a child is committed to the island, or a minor is committed to the island for drunkenness? A. No, sir; they are very rare; if a minor is committed, if he is under 15 he falls into the hands of Mr. Blake, the superintendent of our outdoor poor, who takes care of him.

Q. Most of the minors committed under 13 or 14 years of age are not committed to you at all; they are committed to the quasi-public institutions? A. Yes, sir.

Q. Such as the Catholic protectory and the Roman Catholic orphan asylum, and such institutions? A. Yes, sir.

Q. But children do come to you committed for various terms, don't they? A. I don't think they do; not children.

Q. Then I will say minors instead? A. Well, those cases generally are referred to Mr. Blake for his action; he sends for their parents.

Q. Who are these 163 people in the industrial school at Hart's island; are they minors? A. The warden can tell you better than I.

Mr. IVINS.— What will the warden tell us. Are they minors or adults?

The WARDEN.— Some of them are minors.

Mr. IVINS.— What proportion are minors?

The WARDEN.— I don't suppose over three per cent.

Q. Then ninety-seven per cent are adults? A. Yes, sir; pretty hard adults.

Q. You say that you have two teachers and that the keepers help teach? A. I believe so; yes, sir.

Q. Now, can you tell what the teachers teach; is it simply the rudiments of the English language; reading, writing and arithmetic? A. I think so; and in teaching them to sing temperance songs.

Q. Is it an industrial school at all; is there a teacher of any manual occupation there of any kind? A. Other than the warden himself; I think not, Mr. Ivins; I don't want you to understand that I think that we have got what I would wish to indorse as a first-class industrial school.

Q. Is it not true that it is in name and not in fact an industrial school at all, and really an annex to the work-house? A. It is really a branch work-house for the younger inmates.

Q. Why wouldn't it be better to classify it as a branch work-house, rather than by taking it apart and classifying it as an industrial school, and availing yourself of the provisions of this statute as to industrial schools to maintain an additional branch work-house? A. It is not known to the department as an industrial school; there is no such name on our books or pay-rolls.

Q. Are the appropriations made for it as an industrial school? A. No, sir.

Q. It has never been established as an industrial school? A. No, sir; it is never noticed in our estimates; we ask for branch work-house.

Q. And you have no industrial school to which you make commitments at Hart's island? A. No, sir.

Q. You have one at Randall's island? A. Yes, sir.

Q. To that you make commitments? A. Yes, sir; I think it it one of the best institutions in the country.

Q. To whom does Hart's island belong? A. The city of New York; but they have had some trouble about transferring it to the city and equalizing the taxes with Westchester county.

Q. That was part of the annexed territory, was it not? A. No, sir; I think it was purchased by the city of New York from Westchester county; it owns all but a little strip on the easterly end, which is owned by John Hunter and the United States government, where they propose to erect a light-house.

Q. You have the same jurisdiction over that island that you have over the other city's property that is occupied by your buildings now? A. Yes, sir; it is most important now as the Potter's field, and that is extending so, that before long either the field will have to be removed or the institutions.

Q. Section 399 provides for the maintenance of a reception hospital for the wounded and sick? A. Yes, sir.

Q. South of Canal street? A. Yes, sir; Gouverneur hospital.

Q. Where is that situated? A. Gouverneur slip.

Q. Who has charge of it? A. The medical board.

Q. Who is at the head of the board? A. I think Dr. O. J. Ward is president now, or Dr. Silver; the medical board consists of O. J. Ward. Dr. Silver, Dr. Bryant, Dr. Loomis, Dr. Biggs, every man of whom stands way up at the head of his profession, and Dr. J. E. Kelly.

Q. How many years ago was that established; it was done under the Laws of 1869, was it not? A. Yes, sir.

Q. When was it actually established? A. About six years ago.

Q. So that although authorized by the Laws of 1869, it was not actually built up until you came into office? A. Yes, sir; it was very difficult to find a proper site lying just within the boundaries defined by the statute, but we were fortunate enough to find an old abandoned market belonging to the city of New York, the Gouverneur market, and they turned that over to us and we remodeled and rebuilt it, and it is now one of the most important hospitals in the city of New York, although small.

Q. The statute provided that the department should provide and maintain suitable rooms, etc.? A. Yes, sir.

Q. It was mandatory? A. Yes, sir.

Q. Do you know of any reason why, during the period of fifteen years, that mandate of the statute was entirely disregarded? A. No, sir; I don't know, I am sure; the commissioner before me may have made an effort and not succeeded.

Q. There was just as much necessity for the hospital at the time of the passage of the act as there is to-day, was there not? A. Yes, sir; I think it is a great mistake that the board or the sinking fund were not authorized or permitted to purchase and build and make a permanent hospital; put up a building for hospital purpose; I think it is a great mistake, this hiring buildings and taking old buildings and altering them.

Q. Don't you think that the sinking fund has the power to do that without the authorization of statute so long as it does not impair the act of the sinking fund itself? A. I don't know; I think the sinking fund would prefer to have an act directing them to do it.

Q. The next section, 391, provides or gives you authority and empowers you to maintain, manage and control an asylum for inebriates erected on land belonging to the city, under your control, and the appurtenances thereto, as in the judgment of the commissioners may be necessary and proper? A. That has since been all done away with.

Q. Have you any inebriate asylum? A. No, sir.

Q. What makes you say that is all done away with? A. I think the thing was found a failure, and it has been my experience not only as an officer of this department, but as a man taking an interest in the welfare of those who are suffering from the evils of intemperance, that inebriate asylums do not accomplish their purpose; there is no mode of enforcing or keeping a man against his will, and I have rarely seen any good from it.

Q. That was provided for by chapter 141 of the Laws of 1864? A. Yes, sir.

Q. And that act was subsequently incorporated into the Consolidation act in the form of sections 791, 792, 793, and 794 of the Consolidation Act? A. Yes, sir.

Q. As it is to-day, those four sections of the Consolidation Act are absolutely a dead letter, are they not? A. As to the inebriate asylum; yes sir; it is now a homœopathic hospital, the board having been authorized and empowered to maintain.

Q. That was not treated as mandatory? A. No, sir.

Q. But only as permissive? A. They tried the experiment and found it failed and gave it up.

Q. When did they initiate the experiment? A. I have forgotten; long before I was commissioner.

Q. When was the experiment abandoned? A. That was long before I was commissioner.

Q. So that when you went in you found no inebriate asylum? A. No, sir; I felt that there was no reason to re-establish it.

Q. You are satisfied that the concurrent judgment of the members of your board and of the past boards has been that although you had such authority, it was an authority not to be exercised? A. Yes, sir.

Q. Is there any reason then, in your judgment, why those four sections should not be taken right out of the Consolidation Act by repeal? A. I think not; I think they should; I think the work-house has taken the place of what was called the inebriate asylum.

Q. And all of the work proper to an inebriate asylum, so far as such work can be conducted by your department, is to-day being done in the work-house? A. Yes, sir.

Q. Well, this statute seemed to have some redeeming features, Mr. Porter; it provided that persons who were sent to the work-house who were inebriates might be from the work-house committed to the inebriate asylum? A. Yes, sir.

Q. It provided that persons might be committed to the inebriate asylum in the first instance; it treated the inebriates as a class apart, not as law breakers in that sense of the word, but as victims of a habit, and then they gave you the power to maintain an institution there different from the character of the work-house, which is a correctional institution; the treatment of inebriates is not morally correctional or punitive treatment at all, is it? A. No, sir.

Q. It is a morally correctional but not a punitive one? A. Yes, sir.

Q. It is a physically corrective treatment, but not a punitive one? A. Yes, sir.

Q. This statute then went on and made a provision to compel the relatives or the guardians or the committee of an inebriate to con-

tribute towards his support in the asylum; now, is there any reason why if your board wanted to establish and maintain an inebriate asylum of the kind that is maintained elsewhere in the State as public institutions, it could not do so? A. No, sir; I suppose we could.

Q. It might do so; and might it not compel the inmates to contribute to their own support in the same way that other public asylums do contribute? A. Well, I hardly think so; it would be a very difficult thing to manage; I understood from those who had charge of the old one that it was the most popular institution in the country.

Q. Was it not the fact that that was managed as a part of the body politic? A. No, sir; not at all.

Q. I do not mean that in a political sense, but a part of the public official function of this city, rather than because asylums as such are a failure? A. I think myself that inebriate asylums generally are a failure, and I know if we had an asylum known as an inebriate there would be no end to its inmates, for it is a matter of almost hourly application to me; they say, "Oh, commissioner, I want to go in there; I am all broke up."

Q. You say there would be no end to its inmates; wouldn't there be an end to its inmates if the commissioners refused to send anyone there who did not directly or indirectly in some form contribute to his support? A. It is a pretty difficult thing to make a man who is fitted for an inmate of an inebriate asylum do anything to contribute to his own support or that of anybody else; they can not do it; they are physically unable to do it.

Q. Does not the law compel a parent to contribute to the support of an inebriate son? A. Yes, sir.

Q. Does not the law compel a son to contribute to the support of an inebriate father? A. Yes, sir; but there wouldn't be many fathers or mothers or relatives who were able to pay that would care to commit their son to a public institution.

Q. This institution was abandoned because it is the judgment of this particular board that institutions of this kind, inebriate asylums, are a failure, and they therefore decline to exercise the authority vested in them by the Legislature, and secondly, because they found in practice it did not work well? A. I think it was the reason although it was as I say abandoned long before I came into the board; I have never seen any good reason for re-establishing it; I think they had better wipe it out.

Q. Then the question for the Legislature to determine would be this, wouldn't it, as to whether that should be mandatory or whether the four sections should be repealed in toto? A. Certainly.

Q. You certainly would not observe it unless it is mandatory? A. No, sir.

Q. It has either got to be mandatory or repealed altogether, has it not? A. Yes, sir.

Q. It might be interesting to find out what the people who had had charge of inebriate asylums think about that matter? A. It depends altogether on whether it is a money making concern or not; I have some friends who have charge of private inebriate asylums, not under that name, and I believe in them.

Q. You believe in them; do they effect a cure of the drink habit? A. They try very hard; I think it is very difficult; I know and I think you know men whose families in themselves are willing to pay very large sums to undergo this treatment, either for alcohol, cocaine or morphine, but it is a thing that very few people care to undertake.

Q. You have a great institution in Bellevue hospital, haven't you? A. Yes, sir.

Q. That hospital receives inmates from all over the country? A. Yes, sir; that is not intended to take care of those except — belonging to the city of New York — without they pay.

Q. Persons do come here from the city of New York and from outside and go into that institution and pay for the treatment which they get there? A. Yes, sir.

Q. In consideration of the fact that the treatment is the best to be had in the country? A. There is no other hospital where probably they have the same amount of skill, both in medicine and surgery as in Bellevue.

Q. What is the reason that the city of New York as a great corporation can not maintain an inebriate asylum on the same basis and in the same way as a private corporation or a private individual could, just as it maintains Bellevue hospital? A. I don't know; I may not be correct, but my opinion is, that I think the majority of people who have studied this question do not believe in any cure effected in an inebriate asylum; I think you have got to go beyond that.

Q. Leaving aside the question of the possibility of cure, I want to find out why New York city as a business corporation can not run an inebriate asylum just as well as a private corporation can? A. Oh, they can run it, of course.

Q. And do just as much good as the others do? A. Making it a home for men who have been as they call it, on sprees, to go up there to stay till they get cooled off, and go out again, and go at it again; that was what it proved to be before, simply a home for men who indulged to excess.

Q. Does an institution run by a private corporation receive men who have been on sprees, and keep them there and straighten them out until they can go away again? A. Yes, sir.

Q. Don't they make them pay for it? A. No, sir; I have a friend who maintains an institution of that kind, and keeps taking them and taking them, and praying and praying, but it is the same thing over again.

Q. I want to get at this point; is this one of the classes of business that a public corporation can not do as well as a private corporation or an individual? A. Well, I think Mr. Ivins, if you were to ask me my private opinion, I think an inebriate asylum probably, away from the city of New York, and established in the country, somewhere down near our farm, for instance, on Long Island, where the inmates could be given outdoor occupation entirely away from all temptation, that it might effect some good, but to be on the Island, and to be committed as they are by the police justices, and by ourselves, and subject to the constant appeal of their friends for their release, and you can not hold them unless they are committed, and they won't commit them for stated terms.

Q. Then let me put a more logical question, Mr. Porter; if you had such an institution as the law permits you to have, and had it at such a place as you ought to have it, and you sent to it those persons who were the victims of the drink habit, but who had never shown any criminal tendency, wouldn't it be both more humane and more Christian and more decent from every point of view, than to confine that class of people with the inmates of the work-house, who come there from the haunts and dens of vice of the city indiscriminately, who are not only hardened drinkers, but toughened candidates for the prisons? A. Well, the warden will tell you, will bear me out in saying that that discrimination is made; they are not allowed, nor are they forced to associate with what you call hardened criminals, and you take the majority of these men, the worst cases of rounders that we have, men who have been committed, you may say seven or eight, or ten times every year for drunk and disorderly conduct; they were never known to commit any crime in the world except that of becoming intoxicated and being carried to the Island; they are not criminals except that they can not keep sober.

Q. Section 395 of the Consolidation Act provides: "It shall be lawful for the said board of charities and correction to transfer from the alms-house and the work-house, under their control, to said inebriate asylum any persons committed to the alms-house or work-house, who, in the judgment of said board, shall be fit and proper subjects for

the said asylum, and, in their discretion, to return such persons to the alms-house or work-house; providing, however, that no person shall, by reason of such transfer, be restrained of his liberty for a longer term than required by his original sentence or commitment;" that was a provision of chapter 376 of the Laws of 1869, which was supplementary to the law of 1864; that section falls to the ground with the disappearance of the inebriate asylum? A. Yes, sir.

Q. The whole legislative policy of keeping these classes of people distinct, by sending some to an institution which shall be charitable as well as corrective, a sort of hospital as well as anything else, apart from those who have criminal taint as well as drunk taint, that policy of the Legislature to so separate those people, and, in this particular manner, is entirely disregarded? A. Yes, sir.

Q. Section 396 provides: "The board of charities and correction are hereby authorized, in their discretion, to transfer any insane person heretofore or hereafter committed to, or being in their custody, or in any institution under their control, to any State lunatic asylum, the managers or proper officers of which shall consent to receive the same; and every such person so transferred shall be detained, or permitted to remain, in any such asylum, until discharged according to law; the expense of the maintenance of every person so transferred, which shall be fixed by agreement between said commissioners and such managers or officers, and of removing from, and, in case of discharge, of bringing back to said city every such person, shall be estimated for, raised and paid in the same manner as the other expenditures of the said commissioners of the department of charities and correction, such expenses not to exceed the present cost of their maintenance;" now, is it customary for you to transfer the inmates of your institutions, whether they are lunatic asylums or correctional institutions, the inmates of which become insane, to State lunatic asylums? A. No, sir; we do it in isolated cases, but very rarely.

Q. It is an extremely rare thing? A. Yes, sir; we can not do it, because it costs us so much more than it now costs the city here to maintain them, and we maintain them quite as well as they do.

Q. Was not this the object of this statute, chapter forty-nine of the Laws of 1881, to enable you, in case you could maintain your pauper insane more cheaply at the institutions outside of the city than in the city, or better and more commodiously at the same price outside of the city than in the city, you might do so? A. Yes, sir,

Q. Now, you find that to be utterly impracticable, do you? A. Yes, sir; because we can maintain them more comfortably, and at a

much less rate here, than they can at the State institutions; they admit that themselves.

Q. Then that section of the statute is virtually a dead letter? A. That is that, sir.

Q. That is the action about the transference of New York's insane? A. No, sir; I do not think it is a dead letter, and I think it is well to let it exist, because I think there are cases where the board are enabled to act under it, and it is proper that they should.

Q. Did you ever know of the board having acted in any particular case without an application having been made and some assistance rendered by a relative or a guardian? A. No, sir; I always maintain that the relations desiring the transfer of the patients that they ought not do it; that they are quite as well maintained in our institutions, and I advise them against making the transfer for I think the medical treatment they get in our institutions is better than they get in the others.

Mr. IVINS.— Will you let your bookkeeper make a memorandum of the number of transfers that have been made since the passage of that law in 1882? A. Yes, sir.

Q. I find from a report of Mr. Tate, which I will put on the record here, that the rate of maintenance of inmates of the New York city asylum for the insane on Ward's island, was for 1888 and 1889, thirty-six and fourteen-one hundredths cents per diem per capita? A. Yes, sir.

Q. In 1889 and 1890, it was forty and three-tenths cents per diem per capita? A. Yes, sir.

Q. In the Hart's island insane asylum it was in 1888 and 1889, thirty-two and thirty-six-one hundredths cents per diem per capita. A. Yes, sir.

Q. And in 1889 and 1890, it was twenty-eight and sixty-six one-hundredths cents per diem per capita? A. Yes, sir.

Q. Now, explain generally first why it cost more to maintain these inmates at Ward's island than at Hart's island in 1888 and 1889, it being thirty-six cents for the former and thirty-two cents for the latter in that year, and that in the next year it cost from thirty-six to forty cents for the Ward's island asylum, and fell from thirty-two to twenty-eight cents for the Hart's island asylum, what is in general terms the reason? A. It could not fall; it must be a mistake in calculation.

Q. Well, it is taken from your own reports? A. I know; but there must be some mistake.

Q. It fell in Hart's island from thirty-two to twenty-eight cents, and it rose in Ward's island from thirty-six cents to forty cents? A. We have increased the dietary throughout the insane asylums; the dietary has been improved wonderfully; up to three years ago the meat that we got was confined altogether to meat that was made into stews and boiled, but now they have larger quantities of roast beef and roast meats; that has increased the cost of dietary.

Q. Well, will you look into that fact and see if the figures are correct? A. Mr. Benn is there and can tell you right off if it is so; he is the general bookkeeper.

Q. I call your attention now to the next section of the statute, 397, which gives you authority to discharge persons committed to the insane asylums? A. Yes, sir; that is a matter purely with the physicians; the medical superintendent.

Q. That is what I want to get at; "the said board shall have authority at any time to discharge from said asylum any person committed thereto for the following causes, viz.: 1. That said person is cured. 2. That such person is incurable and incapable of being permanently benefited by the treatment and discipline of said asylum. 3. That such person has failed to pay for his support therein, or has been guilty of vicious conduct, prejudicial to the good order and discipline of the institution." Does your board as a board have anything to do with the actual administration of the law concerning discharges from the asylums? A. Well, application for the discharge of a patient in either one of the insane asylums comes to the board, and the board transmits it to the general superintendent for report, and he reports to us whether he would recommend the discharge, upon the friends of the patient signing the ordinary agreement; that is, if the patient has been improving, and the family are in a position to take care of the patient, then we get them to sign an agreement, which agreement states that the city shall be held harmless for any act that the patient might do; in that case we might discharge a patient a little earlier than we otherwise would.

Q. Discharges are made on application? A. Discharges are made after a man has improved, in the opinion of the general superintendent, after going through the various wards and remaining sufficiently long in the convalescent ward, going through step by step, unless he is discharged on recovery.

Senator AHEARN.—That might perhaps have reference to a case where a person might have a man or a woman committed there by a magistrate temporarily pending an examination by physicians as to his or her insanity?

The WITNESS.— That occurs every day.

Q. I do not have any reference to that; I am talking of commitments; I do not refer to the mere holding of a person temporarily pending an investigation; I mean a final commitment? A. The way it is done is —

Q. I understand what is done; I do not think it is necessary for the committee to know that; the point is this, perhaps having been once committed are, under the provisions of section 397, discharged under certain circumstances? A. Yes, sir.

Q. Which circumstances are that they are cured? A. Fixed by law; yes, sir.

Q. Another is that they are incurable, or that they have failed to pay for their support, or that they have been of conduct which necessitates their discharge; those are the four reasons given by the statute? A. Yes, sir.

Q. These discha rges are made upon the applications of relatives or friends, or they are made by the head of the institution? A. I think a large majority of all the discharges are made in the due course; that is, without any application; they are made on sufficient recovery.

Q. They are made on sufficient recovery, or for one of the reasons here stated? A. Yes; and it is the constant effort of those in charge of the asylums to discharge patients and not retain them because the number is so large; we have, as you know, about 5,000 insane.

Q. Now, your board discharges on the recommendation of the person in charge of the institution, do they not? A. We have nothing to do with the discharge.

Q. Do you not have anything to do with the discharge? A. They are simply looked upon as a patient in a hospital; they are invalids.

Q. Who makes the discharge? A. The general superintendent.

Q. The general superintendent? A. After the report of the house physician having him in charge, indorsed by the medical superintendent.

Q. But you have nothing to do with it? A. No, sir; that is, we have, if the case is referred to us; but it is simply conducted like any other hospital; if a man gets into Bellevue hospital, we do not have anything to say about his discharge; it is so in these asylums.

Q. Have you made a resolution authorizing the general superintendent to discharge? A. I do not remember having done so.

Q. The reason I ask is this, because it says that the board shall have authority; it does not say that anyone else shall have the authority, it does not say that the general superintendent shall have authority; but is says that the board shall have authority? A. But

within the last year there was a new commission appointed called the lunacy commission, at the head of which is Carlos McDonald, and they have made their own rules and regulations and issued them throughout the State, and by those we are governed.

Q. And those rules and regulations take precedence over the others? A. Yes, sir; they are authorized by the Legislature to do this.

Q. And that worked a repeal of this section? A. I could not say that.

Q. It worked so much of a repeal as authorized you to make the discharge? A. Yes, sir; they are given great power.

Q. The discharges are made by your superintendent and not by you? A. Yes, sir.

Q. And you have never passed a resolution giving that superintendent such authority? A. The discharges are such as any other hospital makes where men are retained for illness; here they have mental illness, whereas in the others they have physical illness; like somebody wanted to know why I did not interfere with the case of the dog and boy — the grafting case.

Q. It was none of your business was it? A. No, sir.

Q. It is essentially under the control of the medical superintendent, is it? A. Yes, sir; if a reputable physician thought he could save this boy from being a cripple for life by sacrificing a dog, I thought it was very good work.

Q. Section 398 refers to the employment of persons in the work-house; that was sufficiently inquired into yesterday? A. Yes, sir; and then I have the superintendent here, who I think can explain the details of the work-house and make it exceedingly plain and satisfactory to the committee.

Q. But that same section of the statute requires that no person committed to the city prison for disorderly conduct shall be transferred from said prison until after the expiration of forty-eight hours after the commitment; is that law usually rigidly observed? A. Yes, sir.

Q. Now, the city prison is the Tombs, is it not? A. Yes, sir.

Q. Well, during the forty-eight hours, are not all classes of persons thrown in together? A. No, sir.

Q. Complaint was made some time ago that some newsboys were arrested at Fulton ferry for begging the passengers coming off the ferry boats for their newspapers? A. Yes.

Q. That the police thought it was an outrage that these children should ask passengers for newspapers which they were through with? A. Yes.

Q. And they arrested these boys; that these boys were taken to the Tombs, were kept there for forty-eight hours, and in the Tombs during that forty-eight hours, having been arrested for this apparently harmless thing, were actually kept in confinement with and thrown into intercourse with hardened criminals; could such a state of things occur? A. I hardly think it could occur with our present warden; in the first place, I know — for I am there almost every day of my life — that we have a nice boys' prison with a kindly, good matron at the head of it; I know that the warden does not only single out and divide the younger from the older, but he divides the decent older from the more corrupt and miserable older prisoners.

Q. Who was the warden prior to this? A. He was the distinguished citizen called Thomas P. Walsh.

Q. Could such a thing occur under Mr. Walsh? A. I don't think so.

Q. You appointed Mr. Walsh? A. I voted for him at the recommendation of several distinguished citizens.

Q. At the recommendation of William R. Grace? A. William R. Grace; yes, sir.

Q. And Mr. Cooper and Mr. Hewitt? A. And Mr. Martine, the then district attorney.

Q. If my recommendation had been asked at that time, I should have signed the recommendation, because my own judgment was that Mr. Walsh was a good man for the place and could attend to the duties thoroughly and well; but could the thing have occurred under Mr. Walsh? A. I do not think that he would, knowingly, have permitted it; I know that the present warden would not.

Q. Have you ever heard of that case? A. It seems to me some two months ago there was a complaint made to me; the warden was absent; a complaint was made about two or three little boys who had been temporarily assigned there; they should have been assigned to the boys' prison at once, but they were not for some reason or other; but these different classes of prisoners are kept apart; they have what they call the ten-day house for drunk and disorderly, which, so far as it can be made, is a model building; and then for the different classes of criminals, murderers and burglars and all that class, the warden has his own method of keeping them separate; the thing might have happened, and I think I remember something about two or three boys, but the whole thing was a mistake; it is not the custom; they are at once put in the boys' house; and so it is with girls.

Q. It happened; but it is not customary; it was simply a mistake under the circumstances? A. Yes, sir; the warden is very particular about it; not only with the boys, but with the women.

Q. How soon after this occurred did you find it out? A. If it occurred after my visit to-day, I should know it to-morrow morning, f it was not reported to me; I go there every day.

Q. When this did occur and when you heard about it, what was done to prevent its recurrence? A. Well, the whole thing as I remember, was explained; I am very certain that the warden was away; Mr. Finley regretted that it should have occurred at all; he is an exceedingly faithful and efficient officer; he has been there for forty odd years, and he is as clean as a hound's tooth.

Q. Section 399 provides, "every person whose age or health will permit, shall be employed in getting out stone or in cultivating the grounds under use of the said department;" now, tell us first about your quarry, and then tell us about your farm? A. The quarry is worked exclusively by the penitentiary men, and it is an exceedingly interesting spot to visit.

Q. What is done with the stone taken from it? A. They go into the various buildings; when received, for instance, an appropriation to erect a building for any purpose, the contract and specifications are always drawn so that the department agrees to furnish the stone, the foundation stone and the rough stone, which lessens the cost very much; that is one reason why we are able to put buildings for about one-third to one half of what they would cost the city otherwise; the farm, as you call it, consists of the grounds surrounding the various institutions.

Q. Well, the statute has some antiquities or mistakes in it, and I want to bring that out; this law was passed in 1860, being chapter 510 of the laws of that year, and it was incorporated as it stood in the present Consolidation Act, and is the law of the city, and is in many respects very misleading as to the facts which naturally would be supposed to exist under it; you do not cultivate any grounds there, do you? A. Where?

Q. Under your charge? A. Oh, my, yes; we have got as pretty gardens on Blackwell's island as there are in the world.

Q. Do you cultivate your grounds for agricultural purposes? A. Yes, sir.

Q. For the purpose of disposing of the proceeds? A. No, sir; not for the purpose of disposing of them other than to our own institutions.

Q. You cultivate them as a kitchen garden? A. As a kitchen garden, that is all.

Q. We will come to that later; the section continues, "or in manufacturing such articles as may be required for the ordinary use of the

institutions under the control of the said board of commissioners?" A. Yes, sir.

Q. Now, what kind of shops for manufacturing purposes have you? A. We have a blacksmiths' shop, a very extensive one; we have a tailor shop — this is all in connection with the penitentiary.

Q. Yes. A. We have a large shoemakers' shop where all the shoes are made for the 16,000 people; we have tin shops, wagon shops, carpenter shops, where all the coffins are made.

Q. Who has charge of all the industrial establishments? A. Warden Pillsborough, he is there.

Q. The section continues: "Preparing and building sea walls around the islands?" A. He does that too, with the penitentiary men; and sometimes Warden Dumphy does it with his work-house men.

Q. The work-house men are used on the sea wall? A. Sometimes.

Q. Are any of the work-house men sent to do work in the workshops? A. Not in those shops; they work in the work-house shops.

Q. What work-house shops have you at the work-house? A. The same as in the penitentiary, only not as large.

Q. What is done with the output of your tailor shop? A. Used in the department.

Q. What is done with the output of your tin shop? A. The same.

Q. What is done with the output of your blacksmith's shop? A. The same.

Q. None of these things are used outside of your department? A. They can not be under the law.

Q. They can not be under the law as it stands now? A. No, sir;

Q. Warden Pillsborough has the application of the law in regard to punishments in case of refusal to perform the work? A. Yes, sir; what he don't know about it, I don't know who does.

Q. And so of enforcing the law as to the length of the day's work which is required to be ten hours? A. Yes, sir.

Q. "And the articles so manufactured shall be subject to the order and placed under the control of said board?" A. Yes; the rule is that both the product of the ground and of these different workshops be sent to the general storekeeper, who certifies their receipt, and then they are distributed as requisitions come in for them.

Q. "All the grounds occupied by the said department, or under the jurisdiction of the board, not otherwise occupied, and which are capable of cultivation, shall be used for agricultural purposes, and improved in such manner as will yield the greatest revenue to the department?" A. Yes, sir.

Q. There is an apparent attempt on the face of the statute to make your agricultural capacity a sort of revenue? A. Well, it is a revenue.

Q. Let me go a step further, "and the proceeds arising from the sale of articles thus raised shall be paid monthly into the hands of the board, and be by them paid over to the city chamberlain, and a memorandum thereof filed with the department of finance of the city and county of New York;" what was the source of revenue by the raising of produce? A. It was formerly under a board of ten governors; no money can be received except it goes into the sinking fund.

Q. Section 401 authorizes you to open an account, in your discretion, with all the paupers committed to the work-house? A. Yes, sir.

Q. Charging them with all of the expenses incurred by the city for their board and maintenance, and crediting him or her with a fair and reasonable compensation for the labor performed by such pauper? A. That is long since ignored.

Q. That is all ignored, is it? A. That is part of twenty or thirty years ago.

Q. That is a complete dead letter as it stands? A. Yes, sir.

Q. The object of that statute when passed, as I understand it — and I want you to correct me if I am in error — was to make the inmates of the work-house something a little bit more than either subjects of correction or subjects of charity; to give them an opportunity to work; to credit them with their work and charge them with the expense of their keeping, and possibly when they came out, to let them come out proficient in the trade at which they were working, and to give them whatever was still due them, the department not being a sufferer, because they would have the proceeds? A. It was an attempt at reform, which reform failed.

Q. This relic stands on the book, and it, in your judgment might be repealed? A. Yes, sir.

Q. A great many of those statutes appear to be in that condition? A. You know, Mr. Ivins, that in the penitentiary they receive after their discharge, clothing and money under the law now.

Q. That is in the penitentiary? A. That is in the penitentiary, so that a poor fellow when he comes out, and he really wants to reform, he receives a cold shoulder generally from everybody, but if he has five dollars, a five dollar gold piece in his pocket, and a decent suit of clothes, he is encouraged to go around and try to find work for himself.

Q. Section 103 requires that requisitions shall be made in writing to the board for supplies; that is always strictly adhered to? A. Yes, sir.

Q. And those requisitions pass to the board through what channel? A. They come to the board through the various channels.

Q. Through your secretary? A. Everything comes addressed to the president of the board.

Q. How are those requisitions checked off? A. Requisitions for supplies are made by the heads of the different institutions to the general storekeeper, and he incorporates them in one large requisition, in which he puts the various supplies given; this large requisition is sent to the board with the institution requisitions, and then is passed upon by the board.

Q. Section 405, which is the next section, provides for the transferrence of certain paupers in the alms-house to the work-house; that is to be read in connection with section 398 and section 402, because it applies to the occupations to which you are to put these people, and it reads, "The officer having charge of the alms-house, shall daily send all paupers residing in the alms-house, capable of performing any work, and not otherwise employed, to the work-house or such other of the institutions, the city prisons and penitentiary excepted, where they shall be put at such labor as the chief officer thereof may be authorized by the board of commissioners to direct." A. So they are; there is not a man in the alms-house, old as he may be, if he can work, who is not put to work; they have their shops there also.

Q. He is put to work in the work-house? A. No, sir.

Q. Don't you send any inmates from the alms-house to the work-house? A. No, sir; we do not send any inmates from the alms-house to the work-house, nor do we send any from the work-house to the alms-house.

Q. Not vice versa? A. No, sir.

Q. The statute seems to be explicit that they should be sent to the work-house? A. That was thirty years ago; you would not consider it humane to do that.

Q. Is it not a fact that if you were about to do it, it might come most violently into conflict with the other sections of the statute? A. Yes, sir.

Q. So that needs legislative correction? A. Yes, sir.

Q. Section 405 reads: "It shall be the duty of the officer in charge of the nurseries to provide suitable employment for all the children under his care;" now tell us what the nursery is? A. That is another thing; I think the nursery shall grown into womanhood and manhood,

Q. Is it like Mrs. Gummage; "there aint no nursery?" A. We have a nursery but it is what it is now known as the infant's hospital on

Randall's island, or Mr. Blake's department might be called a nursery too.

Q. Is anything done at the infant's hospital, which you call the nursery, so far as you have a nursery? A. How do you mean?

Q. By way of conformity with this particular section, 406? A. We make probably a full-breasted woman nurse three children sometimes.

Q. This says employment for the children, it does not say employment for the women; it does not mean employment for the children at nursing; now, is employment found for the children at that hospital? A. Not in the infants' hospital; the children are not kept there over two years; we do not keep infants there over two years, except they are afflicted.

Q. You misunderstand my question; I do not mean that permanent employment is found outside of the department, but are the children kept employed? A. What children?

Q. The children who are inmates of the infant's hospital? A. They can not be employed.

Q. They are sick, are they not? A. No; no child over two years of age can be retained.

Q. Then you have no children in your department over two years of age? A. Except they are afflicted either in mind or in body.

Q. In which case they can not be employed? A. Oh, yes; they can; for instance, we have a model idiot asylum.

Q. What does the model idiot do? A. He has done a great many things under the management of Mrs. Dumphy; we have got a beautiful industrial school; she has entire charge; she is superintendent of the children up there, and she manages them as she deems wise, and it is one of the most creditable institutions in the State; Mr. Blake will explain about the reception of all these children; it is a matter which comes directly under his charge.

Q. That is what we want to find out, because we have got one chapter which says you should have a nursery, and that you say is a dead letter; it was passed in 1860, and also repassed in 1882 as part of this present law, and that is not considered as having any application whatever; that section to the infants' hospital or to the Randall's island industrial school, they being established and conducted under different sections of the law? A. Yes, sir.

Q. So that that might as well go? A. Yes, sir.

Q. Now we come to section 400: "The board of public charities and corrections shall be authorized to make, from time to time, such rules and by-laws for the management and government of the depart-

ment, and especially of each institution, as may seem to them necessary, and which shall not be inconsistent with the provisions of this chapter or contrary to law." Do you make such rules and by-laws? A. Each institution has its by-laws, rules and regulations.

Q. Each has it own? A. Yes, sir.

Q. I will ask your secretary to furnish us with a copy of the rules and regulations of each institution? A. Yes, sir; he will do so.

Q. Section 408 provides that "whenever the increase of inmates in, or the proper care and government of the institutions or establishments on Randall's island, or Blackwell's island, or the Bellevue hospital, under their charge, or any other of them, shall, in their judgment, render it necessary or expedient, have power to enlarge, add to, or alter the buildings belonging to such institutions, or any one of them, and to erect other buildings on said islands, or within the inclosure of Bellevue hospital, for the uses and purposes of said institutions, or any one of them." Are you in the exercise continuously of that power? A. Yes, sir.

Q. Do you, as incident to the exercise of that power, have to confer with or be subject to any other department? A. Yes, sir; we are obliged to include in our estimates annually the money we think we require for our buildings.

Q. So far as that work of enlargement, improvement, alteration requires the expenditure of money, you are dependent entirely upon the board of estimate and apportionment, are you? A. Yes, sir.

Q. And if the repairs and improvements, which in your judgment are necessary, are not provided for by the board of estimate and apportionment, they can not be made? A. No, sir.

Q. And certain classes of repairs and improvements are made, are they not, where they can be made, by the employment of the labor and the use of the material that you have on the island? A. Yes; but that comes from the board of estimate and apportionment; we would be at a standstill if they did not provide for it; we are absolutely dependent upon the money granting power, which is the board of estimate and apportionment.

Q. In every sense? A. In every sense.

Q. You have, for instance, no general supply of lumber? A. No, sir.

Q. Of such character that you could set your own carpenters to work? A. Yes; but the lumber has to be purchased.

Q. But suppose you have a supply of lumber on hand, carrying it in stock; do you ask for an appropriation for lumber? A. Oh, yes.

Q. You carry lumber in stock? A. Yes, sir; that is included in our supplies.

Q. Then the extent to which that is to be worked up, providing you have the labor to work on it, depends upon yourself? A. Yes, sir.

Q. And in that point the board of estimate and apportionment has nothing to do with it? A. That depends upon the heads of the institutions; Warden Pillsbury does an enormous amount of work with his men, and so does Superintendent Dumphy.

Q. Before they do that work, do they come to your board for a resolution of authorization? A. Yes, sir; they ask first for permission to do so and so, and then make a requisition for the material.

Q. Now section 409, which was section 18 of chapter 510 of the Laws of 1860, and which has been interpreted by the courts on several occasions, provides that you shall have power in the forms and with the provisions now prescribed by law, to indenture and bind out, as apprentices during their minority, any minor children who may be committed to your care by any police magistrates, and so on; is that section of the law enforced in any way? A. We do that occasionally, but, I think, very rarely; Mr. Blake will be able to give you all the particulars about that; I think I have done that occasionally.

Q. Have you done it with sufficient frequency to relieve this section from being also a survival or an antiquity? A. I think it probably would be a good thing to allow it to remain; I know of no reason why you should not, but I prefer to have you ask Mr. Blake; I do not think that since I have been a commissioner I have exercised that right more than half a dozen times; do you think I have made an indenture of these children more than half a dozen times, Mr. Blake?

Mr. Blake.— Well, it might be more than that; there are not many; there are very few since the law of 1876.

Q. You have minors, however, have you not? A. Yes; we have applications every day in the week from people all over the land to adopt children.

Q. That brings us to section 410? A. Those cases are referred to Mr. Blake, who gives them his choice of the children.

Q. Those are children under two years? A. Yes, sir.

Q. But in addition to those, you have minors committed for disorderly conduct, and who, for instance, are in your industrial school at Randall's island? A. No, sir.

Q. Are there not minors there? A. Yes, sir; but none commi[illegible] for disorderly conduct.

Q. You have minors who are committed for poverty? A. I[illegible] are under 14 years of age, they go to Mr. Blake, and he dispo[illegible]

them and sends them to some public institution; we do not take charge of them.

Mr. BLAKE.—Under 16.

Q. If they are over 16, but committed for vagrancy? A. Then they can go to the work-house; but the number of them are very few.

Q. Have you ever apprenticed those, or indentured them? A. Very few; I do not think I have half a dozen; but still it might be a very good thing to leave the power with the board.

Q. Section 410 reads: "The commissioners, when so authorized by the Court of Sessions, may bind out any minor who has been committed as a disorderly person, to some lawful calling, as a servant, apprentice, mariner, or otherwise, until he be of age? A. I think that is a dead letter.

Q. That was passed in a humanitarian spirit, but is it enforced at all? A. No, sir.

Q. Have you ever known a Court of Sessions recommending the binding out of any minor who had been committed for disorderly conduct? A. I never have known of any such case.

Q. That is chapter 442 of the Laws of 1881; do you know of any way of discovering how and why that bill came to be offered in the Legislature and came to be passed? A. When was that?

Q. In 1881; about the indenturing of disorderly persons on the authorization of Courts of Sessions? A. No; I would not say it affects us so much; I think it affects the Court of Sessions; I think they ought to be asked; they may not agree with me.

Q. This law was applicable generally throughout the State, and we might find that it was enforceable or enforced throughout the State, and has been incorporated into this Consolidated Act, because it was applicable to New York city, together with other cities and other places; but in reality, you say it has never been exercised here and is applicable to the city in point of fact? A. I think the society for the prevention of cruelty to children has some such power as that.

Mr. IVINS.—I call the committee's attention to these facts here in this way—

The WITNESS.—I think when these cases come, as they all come, before Mr. Blake, he transfers them to these different societies who are empowered by law to take charge of them.

Q. This Consolidation Act is at present our charter? A. Yes, sir.

Mr. IVINS.—And our administrative law as well as our charter. It was enacted in 1882 as the result of the work of a commission to consolidate all the laws applicable to the city. That commission brought together all the laws which were then in existence which were applica-

ble to the city which were not to be considered as repealed. The Court of Appeals has recently held that where the statute embodied in the Consolidation Act, so far as concerns four or five of the sections of that statute, but one section was left out, then the section so left out must be considered as repealed. Now, the policy of those commissioners was not to work a series of repeals, but as far as possible to consolidate everything then in force into this statute. The result of it was that they have consolidated into the statute a lot of things, as we have shown this morning, which, by the experience of the departments of the city, have been shown to have no real applicability to the city itself; and now the question arises as to whether or not the Consolidation Act ought to be so amended as to leave out of it all provisions of law which have no vital applicability to New York city.

Recess until 2.15 P. M.

The committee reconvened at 2.15, P. M.

Present — Chairman Hendricks.

Mr. PORTER recalled.

By Mr. IVINS:

Q. Mr. Porter, chapter 329, section 9, of the Laws of 1850, was re-enacted as section 413 of the Consolidation Act; it provides in regard to persons under your charge as vagrants, who, by reason of being persons who have contracted an infectious or other disease in the practice of drunkenness or debauchery, that they might after they had been submitted to medical treatment sufficient to cure them, be detained, in your discretion, and transferred by you to the work-house; is that law enforced? A. No, sir; I think not.

Q. Do you know of any cases whatever in which persons who have been in the hospital for these reasons, after their cure, have, instead of being discharged, been detained in the work-house by you? A. No, sir.

Q. Then that is also a dead letter? A. Yes; I imagine that alludes particularly to people suffering from syphilitic diseases, etc.

Q. Not necessarily? A. That is what we have always imagined; all these cases that were sent to the hospital go through our examining physicians.

Q. Section 414, which is the next section, provides that the commissioners shall not, in cases where by law they are empowered to discharge vagrants from the institutions under their control, hereafter discharge without the written consent of the committing magistrate

in each case; you have said all that is to be said about that, have you not? A. Yes, sir.

Q. Section 415: "No insane person shall be discharged from the lunatic asylum of the county, without the certificate in writing of a physician thereof." A. That is controlled by the rules laid down by the Legislature.

Q. The law would seem to require that you should make the discharges, but should only make the discharges on the certificate in writing of the physician; as a matter of fact, you do not make the discharges? A. Well, we do through or representative; the act of the general superintendent is the act of the commissioners by authority.

Q. Four hundred and sixteen provides, that you are authorized in your discretion to permit the reception and treatment in Bellevue hospital of persons who do not reside in this city, etc.; what regulations have you in regard to that? A. Well, that is enforced as far as possible; occasionally there are cases which are of a kind that it is impossible to refuse them.

Q. Have you any account which shows? A. Oh, yes; every dollar.

Q. The money which is received from those persons? A. Yes, sir.

Q. Will you have a statement made of the revenues from that source? A. It is not a large one I assure you; it is very small indeed, scarcely worth anything.

Q. Section 417 authorizes you to transfer the care to the charge of the Shepherds' Fold, etc.? A. That is a matter that comes entirely under Mr. Blake.

Q. That was Mr. Crowley's institution, was it not? A. Yes — no; I don't think that was Crowley's, was it; yes; it was.

Q. Do you know whether any children are now committed to the care of the Shepherds' Fold? A. Oh, no.

Q. Section 418, which is the re-enactment of section 1 of chapter 404 of the Laws of 1875, authorizes and empowers your board to insert, in your annual departmental estimate of the expenditures required for the department, an item of $20,000 for the relief of adult blind persons in this city? A. That is done, sir.

Q. Do you get the $20,000 annually? A. Yes, sir.

Q. Where is that expended? A. It is in a very worthy charity; Mr. Blake receives the applications from the poor, and he is a visitor; visits himself, with a gentleman who stands very high in the profession as an oculist, and upon his certificate, or the three; his visitor and Mr. Blake and the oculist; they are allowed the pro rata of this sum of $20,000; I think it amounted this year to thirty-nine dollars apiece; after they all have been visited, they are notified by card to appear at

our office; and it is one of the pleasantest sights the commissioners have to look upon, the day when these poor blind people come there; the paymaster is there, and the cards are all prepared, and they step up as they do in a bank, to the window, receive their money — get their card first from Mr. Blake, and, after thanking him, they step to the paymaster, hand him their card, take their money, and go away.

Q. Section 419 requires certain reports to be made to the Secretary of State, in conformity with pre-existing laws, and also requires an annual report to be made upon the statistics of the poor; are those reports made annually to the Secretary of State? A. Yes, sir; I just got off the last report.

Q. Section 420 is the re-enactment of section 250 of chapter 86 of the Laws of 1813; 1813 was a great year for legislation of all kinds? A. I was making cobwebs then.

Q. That is the year the State was redivided into counties and the counties redivided into towns, and laws of every kind passed, and this is one of them [counsel reads section 420]; is anything done whatever to enforce this early law of settlements in regard to the application of the charities? A. Every one receiving relief, of any and every kind, at first they are obliged to satisfy that they are really entitled to assistance from the city and county of New York, by a residence, of at least, one year.

Q. Suppose a vagrant comes to you, and pleads vagrancy, and asks to be admitted? A. Well; it is done every day.

Q. Do you require from them — A. A statement, yes, sir, as to how long they have been in the city of New York; yesterday there were four.

Q. How was the statement made? A. Among the applicants.

Q. Orally? A. Yes, sir.

Q. Under oath? A. No, sir; they are generally willing to tell, and upon that commitment I indorse "Referred to Mr. Blake," and they are taken to Mr. Blake's office; he sends them to Flatbush to the State work-house there, and there they become a charge and are transferred to the various counties from there where they belong.

Q. Chapter 442 of the Laws of 1881, was re-enacted, so far as part of it was concerned, as section 421 of the Consolidation Act; it requires father, mother and children of sufficient ability to maintain or relieve the insane, blind, old, lame, impotent or decrepit, in a manner to be approved by the commissioner of charities and corrections, and then requires that if a relative of a poor person fails so to relieve or maintain him, the commissioner may apply to the Court of Sessions

for an order authorized by law in such cases? A. That we do where a party comes who has a right to expect assistance from any members of their families, authorized by law, and they refuse to do it, the man appears before Mr. Blake and he gives him a certificate upon which they go to the court and enforce it.

Q. When a person applies to you for assistance, or when a person comes to you to be voluntarily committed as a vagrant, do you make any investigation as to whether or not they have father, mother or children? A. Yes, sir.

Q. Who can support them in any way? A. Yes, sir; I always ask them if they are married.

Q. As to how many children and what they are doing; is there any record of that kept in any form? A. Well, no.

Q. Is there any systematic effort made on the part of the department to compel the relatives of vagrants to contribute to their support? A. The class of people who appear before me, Mr. Ivins, have got beyond the limit when relatives are bound to do anything for them as a general rule.

Q. They are generally too old? A. They are generally too old; they are grown men.

Q. This applies to children also? A. In the case of very old people, men or women, where they have families, some member of which is obliged by law to support them, we generally give them the power to go before the Court of Sessions and have them arrested.

Q. Have you any particular clerk appointed to the duty of keeping a record of these persons and prosecuting inquiries to see how far relief can be afforded to New York city through the affording relief on the part of relatives to persons in your custody? A. I think Mr. Blake — I don't know that he keeps records of them all, but I know that is part of his duty; on the application of these people —

Q. That is outdoor relief? A. No.

Q. Take the people in the alms-house and work-house? A. Well, they would state at the time, but they don't.

Q. Suppose they are committed by a magistrate, your department nevertheless has power after that commitment to find out whether they have relatives who can contribute to their support? A. Well, it is a very difficult thing to make them.

Q. Is there any systematic attempt made to do it? A. Yes, sir.

Q. Do you, after a prisoner has been committed by a magistrate for vagrancy, have him inquired of or any inquiry prosecuted outside of him for the purpose of discovering? A. Yes, sir; we have had the institutions visited by a competent man in our department and every

single inmate approached and all learned of their condition as to their family and their ability to take care of them.

Q. How frequently —? A. Well, I think we have done that twice for the purpose of seeing if it were possible.

Q. During the time you have been in the department? A. Yes; for the purpose of seeing if it is possible; it is always done at first, but it has been done afterwards for the purpose of seeing if it were possible to find those who were obliged by law.

Q. Section 422 applies in the same general way to bastardy cases? A. Yes, sir.

Q. Is any attempt systematically and regularly made to enforce the law in bastardy cases? A. Always.

Q. That is done with much more regularity than in vagrancy cases is it not? A. Yes, sir.

Q. Who has charge of that? A. Well, I generally sign a certificate from which they are authorized to go to the court; they appear before me and after having made a certificate before Mr. Blake, which they have signed, then I generally examine them as to the truthfulness of their statement and sign the certificate upon which they go to the court.

Q. Do you take the abandonment bonds in those cases? A. Sometimes the money is paid to Mr. Blake and he disburses it.

Q. The money when paid over is disbursed and does not come into the city treasury at all? A. No; not at all; the man will come in in the morning agreeing that he will pay it every Saturday and he will deposit his money and shortly after, the wife — or the woman, will come in and receive the money.

Q. Separate accounts are kept of that? A. Yes, sir; by Mr. Blake.

Q. Showing the receipts and disposition of the moneys? A. Yes, sir.

Q. How are your delirium tremens cases cared for? A. Well, they are like any other patient who is assigned to a hospital, you know; they are treated by the house staff of Bellevue hospital under the medical board of Bellevue hospital; the accommodation is dreadful.

Q. What is the accommodation for the confinement of persons who are suffering from delirium tremens and who are violent? A. Well, the accommodation is dreadfully insufficient and it can not be called accommodation.

Q. In what regard is it dreadfully insufficient; how many such patients have you to-day? A. Well, I can't tell; there may be six and there may be sixteen males; it changes very much.

Q. You have as high as thirty, have you not? A. We have as high as thirty sometimes, but the board of apportionment have made an

appropriation this year to allow us to put up a separate building for the treatment of alcoholic patients.

Q. How have they been confined up to the present and how will they have to be continued to be confined? A. They are in one of the ground wards of Bellevue which is divided off into cells or rooms.

Q. How many cells are there? A. I think there are possibly eight.

Q. How many people have you been obliged to confine in the same cell? A. I have seen three or four, in one large enough for two.

Q. Three or four people suffering from acute delirium tremens? A. Yes, sir.

Q. Violent patients? A. Yes, sir.

Q. Confined together in the same cell? A. Yes, sir.

Q. Can they, with propriety or decency, be confined more than one in a cell? A. Well, they might two, but not to exceed two, and I should be very much against having two; but I think that this next year, with this new building, that that will all be altered.

Q. Why has the board not, by one means or another, found a more humane and proper means of confining these people heretofore? A. We have not really had the room.

Q. Have you had no buildings or place at your disposal where they could have been confined without putting three or four in a cell? A. No, sir.

Q. How long as that thing been going on? A. Oh, forever.

Q. How much have you asked for, for that purpose this year? A. We asked for a good deal more then we have got; we asked for 30,000.

By Chairman HENDRICKS:

Q. How much did you get? A. Seventeen.

Q. A little more then one-half? A. Yes, sir.

By Mr. IVINS:

Q. Upon what was your estimate based? A. It was based upon the report of our architect.

Q. Who is your architect? A. Frederick C. Withers.

Q. Is he the regular architect of the department? A. Yes, sir.

Q. Or an independent architect? A. We always employ him; he is in the employ of the department.

Q. He is the official employe? A. No, sir; he is paid the regular architect fees.

Q. Is it possible, in your judgment, to do what you think ought to be done and what is necessary to be done, with the appropriation as made? A. We, of course, can not do with seventeen what we ask

to do with thirty, but with seventeen we can make a great improvement on what we have got now, but then it will not be what the city requires or ought to have, when you think that in this great city of New York that is the only one place to which a man suffering from the effects of alcohol can be taken; that is, when he so affected that he is delirious; or, in other words, insane.

Q. You speak of private institutions as well, do you not? A. Well, there are very few where they receive a man suffering from violent alcoholism.

Q. So that your department is virtually the only place where a person suffering from the effects of violent acoholism can be properly restrained of his liberty and put in the way of cure? A. Yes, sir; and if this is the proper time, Mr. Ivins, I should like to be permitted to say, in regard to this and all our other buildings, that I believe the department will never be in a condition to properly accommodate the inmates that we are obliged to care for until the Legislature makes some law, either directing or authorizing the issue of bonds to the extent of two or three millions of dollars, to be issued with the approval of the sinking fund, or the board of estimate and apportionment, and in that way we will have buildings such as the city of New York should have, and such as the department requires; and it will lessen, as you will see, our budget which goes down before the board of apportionment; this year it would have nearly $1,000,000; and we will ask them simply then for money for our supplies, salaries, and things that are required for the proper administration.

Q. Have you found that the work of your department has been impeded; that its administration has been rendered unsatisfactory because of the desire on the part of the board of estimate and apportionment to keep the tax rate low? A. Well, it would be hardly fair for me to criticise a board that stands as they do; I have always been told — they say "We should like to do it but we can't; the city can't afford to do it; now, we have got thirty-two or thirty-three millions of dollars for the city this year; each one of the departments is as urgent as you in their demands and we can't do more than so much for each one."

Q. Can't the city afford — A. I think it can.

Q. Can't the city afford to pay for the proper performance of the duties of your office out of a tax-levy quite as well as it can borrowing against its credit which has ultimately got to be paid of the tax-levy? A. On general principles I do not think it is exactly right that you and I should be taxed during our lives for buildings that are going to serve for the next century.

Q. We are having the benefit of buildings which were built in the past are we not? A. Yes; of course; all our large buildings in the department now were put up by the issue of bonds; the comptroller has just redeemed the bonds which paid for the erection of the insane asylum on Ward's island.

Q. Is it not a fact that you suggest this raising of money by the public credit, because you think the money can be got in that way and it is impracticable to get it by the use of the tax-levying power? A. Yes, sir.

Q. Now, what difficulties have you had in getting from the board of estimate and apportionment moneys which, in your judgment, were necessary to enable you to properly carry on the humanitarian and corrective work which you have under your control? A. Well, you see here we ask for buildings, I think, $906,000, and we receive a hundred and thirty thousand dollars; our architect's report, the report from which I made this estimate, covered the amount of a million and a half, but knowing that it was utterly impossible and foolish to make the application, I cut that application from a million and a half down to 906,000.

By Chairman HENDRICKS:

Q. What can you do with the 906? A. It is made for specific purposes; we can do a great deal; so much for the alcoholic ward at Bellevue, so much for an additional pavilion at the alms-house, so much for additional pavilion at the lunatic asylum, so much for buildings on Ward's island, and so much for Randall's island.

Q. Are the other things for which you ask that appropriation things which are really necessary to be done? A. I think they are.

Q. Would you and your board have made an application for that appropriation of $906,000 for anything except that which was necessary and requisite? A. No; and I also stated to the board that while this seemed large, that if there had been the slightest hope of receiving it, I should have asked for a million and a half.

Q. Then things which are requisite to be done and the doing of which would cost a difference of in the neighborhood of $8,000 have got to remain undone? A. Yes.

Q. In your judgment, they are imperatively necessary, are they? A. Yes, sir.

Q. What difficulties have you had heretofore with the board of estimate and apportionment in getting appropriations? A. It is always the same story; you have had the same experience; you know that we not only make the application ourselves, but we go to the board of

apportionment of the State Board of Charities, and a great many other good people, all urging the largely increased proportion for our department; the invariable reply is, "we can not afford to give it to you;" we have got to take it by piecemeal; the trouble was, for a good many years, the department was allowed to run down; it seemed to be the great thing to see upon how low a capacity it could be run; the cheaper the better, which, I think, is false economy.

By Chairman HENDRICKS:

Q. Have you fixed your appropriation for this year? A. Yes, sir.

Q. Is it larger than it was last year? A. About $400,000; as things go, they have dealt very fairly with us.

Q. Have you made a study of the appropriations as made, compared with the appropriations as asked for, in such a way as to show the relative proportion in which the provisional estimates were cut down in your department and in the other departments? A. I have not, sir.

Q. Is it not a fact that the board of estimate and apportionment has habitually allowed a larger proportion of the sum asked to most of the other departments than it has to your department? A. Well, I really could not state that without having some facts before me; I have never thought that our department was — I don't know whether it was the commissioners' fault — it was not appreciated, the great work it did; it did not seem to be appreciated by the city government nor by the people, but I really think that during the last few years there is a very different feeling on the part of everybody toward the department; we see that constantly by the handsome things that are done by private individuals.

Q What do you mean by that, Mr. Porter? A. Well, for instance, we had a gentleman, Mr. George Bliss, Mr. Morton's partner, who put up a chapel on Blackwell's island for the use of the inmates of the alms-house, that cost him about $85,000 — as pretty a little church as there is in the world, and it has got connected with it the most delightful reading-room and supplied with all the periodicals for these poor old people from the alms-house; nicely warmed; where a large number of ladies and gentlemen of New York are interested and visit there and read and talk to them; and Mr. D. O. Mills gave us a building to establish the male training school, that cost him $75,000 or $90,000.

Q. Will you prepare for the committee a statement of the endowments or gifts which have been made? A. Well, that is about all except some small ones; Mrs. Townsend gave, through a physician at Bellevue, about $12,000 for an operating-room for operations con-

nected with ovariotomy and things of that kind; and Mr. Hunt has given about five or six thousand dollars to fit up his ward; I only speak of these things to show that the public and the citizens have, within the last few years, shown a very much greater interest in our department than they formerly did.

Q. Mayor Hewitt took a rather radical ground towards giving you larger appropriations; will you tell the committee what the history of those appropriations for that year was? A. Mr. Hewitt did what all other mayors do, but I think he did it more thoroughly, in visiting all the institutions and trying to ascertain for himself what were their real necessities.

Q. Has the present mayor ever visited the institutions? A. Yes, sir.

Q. How frequently? A. Well, he went through them very thoroughly last year; this year he has not.

Q. You say "very thoroughly?" A. I mean he went with me and went through every institution.

Q. Did he spend a day at it? A. Yes; he spent more than that, but he spent one entire day, from early morning until late at night, and it was one of the most inclement days I ever saw, which did not make the visit at all pleasant, nor probably it was not as satisfactory as it might have been; but this year the comptroller and Mr. Coleman, the president of the department of taxes, visited all the institutions.

Q. How frequently have you stated meetings of your board? A. We meet from one end of the year to the other; we are never adjourned.

Q. What do you call a meeting? A. Well, a meeting when the commissioners are there.

Q. Then the commissioners are not there from one end of the year to the other? A. I am; some one of the commissioners is there.

Q. You are not there now? A. No; but my representative is.

Q. Who is that? A. Mr. Commissioner Shea is there now, I think.

Q. Is Commissioner Simmons there now? A. Not at present.

Q. Does one commissioner constitute a board? A. Well, it does not for final action, but every communication is addressed to its president and, as I say, we are, fortunately, a happy family, and in ten years I have very rarely known that an indorsement on a paper by myself met with any difference on the part of my colleagues.

Q. How frequently have you meetings of the board as a board? A. Every morning, regularly, of the year, without there is some accident or sickness.

Q. How long do those meetings last as meetings? A. Well; I am generally prompt at my office at half-past 9, and the others reach there about the same time, and we sit together until probably 12, discussing

matters that may come up and disposing of papers that come before us, and you might say the meeting will adjourn, but the work has then just commenced.

Q. You have no other business in the world, have you, except this? A. Nothing, sir; I devote my whole life from morning to night to it.

Q. Perfectly undivided? A. I give my whole undivided time and attention to it, and, in saying that, I do not wish to detract from what my colleagues do.

Q. Do either one of your colleagues give their undivided time and attention to the business? A. They do their whole duty to it; I think both of them do what they think, conscientiously, is expected of them.

Q. How many hours a day does Commissioner Shea give to this work? A. Well, I doubt very much if there is a public officer in New York who devotes more time to his duties than he does.

Q. He does not devote as much time to them as you do to yours, does he? A. Well, I hardly think it would be fair for me to say that he does not; the office duty falls upon me, and I, unfortunately, probably, for myself, haven't any other; if I had other interests I should be obliged to take care of them, but I have not; but I think that on the score of attending to the duties, the three commissioners do as much as, and indeed more than, any board I know of.

Q. Does Mr. Shea or Mrs. Simmons devote as much time to the work of that department as Dr. McDonald does? A. Well, Dr. McDonald is the resident physician.

Q. Do they devote themselves to the work of that department during the ordinary municipal hours, that is, from 10 o'clock to 4, or even later, as other heads of departments do? A. Well, our duties are not comparable with those of any other commissioner; this morning it might be advisable for Commissioner Shea, who is looking after outdoor matters, he goes to Hart's island to-day; to-morrow he might go to Randall's, and from there to Ward's, and so on down to Blackwell's, and I visit as many of the institutions as possible in connection with the large amount of office business; our office, you know, is more like an enormous intelligence office; there is no one comes to this great city stranded or in trouble who does not come to us to advise, either to get out of the city or to find employment in the city, or to oblige those who ought to take care of them to do so, and it takes a great deal of time and an enormous amount of correspondence.

Q. Whom did Commissioner Shea succeed? A. Thomas S. Brennan.

Q. How long had Mr. Brennan been in the department? A. I think he had been a commissioner for two terms — sixteen years.

Q. Was he not, in all regards, a thorough expert in these matters? A. He was so considered.

Q. Was not his time and attention devoted, with the utmost singleness of purpose, to this work? A. Yes, sir.

Q. Did you ever hear of any reason being assigned for the failure to reappoint him, on the score of incapacity, inefficiency, want of attention, or want of skill? A. No, sir; I don't know — I wasn't consulted.

Q. Had Commissioner Shea ever, prior to his appointment, so far as you know, been interested in the management or direction of any charitable or corrective work? A. I can't really say, sir.

Q. Did you ever hear anything of that kind? A. No, sir; he certainly made a very industrious commissioner, so far as all the work that has been referred to him.

Q. Does the work of your department require anything more than industry; does it require knowledge of the principles which underlie the proper management of correctional and charitable institutions? A. Yes, sir; it should.

Q. Industry alone is not sufficient to equip a man for that position, is it? A. No, sir.

Q. Why did you appoint Mr. Pillsbury? A. Because he was a man with large experience in prison management

Q. You appointed him, recognizing the fact that there was such a thing as an expert and such a thing as an expert knowledge in these matters? A. Yes, sir.

Q. Have you ever heard that either of your fellow commissioners have ever been ranked spoken of or known as experts in these matters? A. No, sir; I think experts in the matters of administration of our department would be very rare.

Q. You were not an expert when you were appointed? A. No; I was not but I had probably gained a great deal of information, having been fortunate enough to have been a very great traveler and had visited all the institutions on the face of the earth, almost.

Q. You had been interested in the matter and made a study of it? A. I felt great interest in the work and continue to do so.

Q. Now, is there any reason, in your judgment, why the work of your department could not be conducted by a single commissioner as well as by three? A. Well, I think that I have always been — that proposition has been made many times; I think the labor is very much; of course, it could be divided up, as you say, into bureaus, but I should think it would be preferable to have three commissioners; there is more work than any three men ought to be called upon to do.

Q. Don't you think that generally speaking that department could be run with greater unity of purpose and plan, in all of its branches, if there was but a single commissioner and he alone had to be consulted and he alone were held responsible? A. No; for, as I told you, I don't know a single instance where the administration of the department has been under discussion that the board have not always finally as a unit, decided upon whatever the question was.

Q. How are your subordinates appointed? A. They are appointed by the board.

Q. Are they subject to civil service examinations? A. Some of them; yes; and most all of them.

Q. The entire clerical force? A. Our salaries are wretchedly small.

Q. Are the entire clerical force subject to civil service examinations? A. All of them except those who receive more than — I forget what the sum is, there is a limit fixed by the civil service law, that those receiving more than so and so are not subject to civil service examination, but all the clerks in our central office are subject to it

Q. Are your keepers in the insane asylums subject to it? A. Yes, sir.

Q. Are your attendants in the hospitals subject to it? A. Yes, sir; the nurses are, and, I believe that is strictly complied with in every case.

Q. What proportion of the men appointed in your department are appointed, so far as you can now say, without having to undergo this examination? A. Well, I think there are very few; all the attendants — for instance, the larger number there — they change more frequently there than others, attendants in insane asylums, the positions are filled generally by young men, and the class of young men has marvelously improved in the last few years.

Q. That has been incident to what? A. Well, it has been incident, I think, to the giving to the head of the institution the power of recommending and of discharging; that is recommending to our board the appointment and discharge which means that the board always approve of any recommendation; that is, that an attendant in the institution, or an employe in any of the institutions, now feels that he is subject to his superior officer there.

Q. What is paid to an attendant now? A. It ranges from twenty to thirty-five dollars. I think, a month.

Q. What is paid to keepers? A. I think the keepers proper are the most poorly paid employes in this city; they have never received more than — some few cases we have to keep and retain them and we have been obliged to make their salaries $900, but they have received eight, and what we call the guards, from $650 to 750; a number of years

ago the keepers went to the Legislature, the keepers of the department, and had a bill passed fixing their salary at a thousand dollars a year, to which I think they are entitled, but the Governor vetoed it on the ground that he thought the local powers here ought to arrange the salaries, and expressed his opinion that they ought to have this; and we have asked for it, year after year and year after year but without success, until this year when they have given our keepers proper 900; they have long hours, and I think their duties are quite as responsible and hard as those of a policeman.

Q. I was just going to ask you that question; they require quite as high an order of intelligence and attention, do they not? A. I think more so, because a keeper in the penitentiary, or the Tombs, or the city prisons, in which there are men every day to whom five or ten thousand dollars is nothing compared with the importance of escape, these men are open to such temptations that I think they ought to be paid for it; we have in the Tombs, I think, six men, who have now, long since arrived at old age; all they have got is this $800 a year and now they have become so infirm that they can scarcely attend to their duties, they have nothing in God's world to look forward to.

Q. There is no pension for them? A. There is no pension for them; and all these years they have had to maintain their families, and it was a hard struggle to get along.

Q. They have no political influence of any kind, have they? A. Well, it is generally understood that a keeper has a good deal, but they have never had sufficient to get their salaries increased.

Q. You say "it is generally understood;" wherein lies the possible political power of a keeper? A. Well, he is brought into contact with a good many of the elements that you know enter into politics; I think our keepers, taken as a whole, are a wonderfully exemplary set of men.

Q. Do they get their appointments through political influence at any time in any way? A. Well, I suppose we all do, more or less, get our appointments through political influence, but no man gets an appointment through political influence without he is entirely fitted for the position; that is, if a man applies to be appointed a keeper, and you and some other friends who might be connected with the same party that I am, recommend him, that would have its weight with me in appointing him.

Q. What proportion of the keepers in your department to-day are Republicans? A. Very few, I think, except they are old fellows who have been there so long that they have forgotten what party they did belong to; I am certain I never asked.

Q. You have not appointed any Republicans, have you? A. Oh, yes; I think I have been bad enough to do that.

Q. Are five per cent of the appointments, which have been made during your time from Republicans? A. Oh, I would not say; I don't want to say that; I suppose I am generally classed as a politician and I am perfectly willing to be there, but politics don't enter into that thing with me so much.

Q. To put it in this form: there is a public service which offers an opportunity for employment to certain classes of people fitted for it? A. Yes, sir.

Q. Is that to-day equally open practically to all persons, Democrats and Republicans alike, independent of political antecedents? A. If he passes the civil service examination.

Q. How does he get to the civil service commissioners, in the first instance? A. If there is a vacancy in the department, we certify to the civil service board that we want a keeper or two or three and they have their examination and then transmit to us the result of the examination.

Q. Do they send down one name or two or three? A. No; we have the right of selecting.

Q. They send down a number of names and you have the right to select? A. Yes, sir.

Q. Do you ever select a Republican? A. Well, I would not do it from choice.

Q. So that, after all, the Democrats get there? A. The Democrat would be very apt to get there, while some of my best friends are on the other side.

Q. Under whose charge is the appointment of the subordinate medical staffs at the hospitals? A. Well, all the appointments on the hospital staffs are considered by the young graduates as — they are considered, you know — they are assigned to these young men after an imperative examination; it is considered a very great advantage to young physicians just graduated to get what they call a hospital appointment, which lasts for two years; that is all arranged outside of our board; we have nothing to do with it except to approve of the findings of the medical boards governing these institutions.

Q. Is there a medical board for each institution? A. Yes.

Q. Does this medical board in each case make provision for the examination, for the appointment of a staff? A. Yes; it is done at the time of graduation; it is done before the professors, by young men who have a right to enter into this competition, and the ones

standing highest in medicine and surgery and all this sort of thing get the first appointment.

Q. Was that planned as an institution for the assistance of younger men who had not been hardened in vice or crime? A. Yes, sir; I would say in regard to that that Hart's island was a branch work-house that had, as its head, Warden Dumphy, who is here now, for a great many years, and we had a prison warden of the work-house, Mr. Stockton, who is a man of high principle and the very best of intentions, but I do not think just the man to meet and manage the class of people that he is obliged to in this main work-house, and we changed it about; we transferred Mr. Stockton to Hart's island for the purpose of carrying out, so far as he could, the bettering of the condition of the younger element in the work-house, and put Dumphey in charge of the work-house on Hart's island.

Q. At Hart's island Mr. Stockton is altogether a devoted and exemplary man? A. He is a most devoted man; while I have entire sympathy with him, they think he rather exaggerates the importance of lectures; he is an enthusiast on the subject of temperance, in which I am with him, heart and soul.

Q. He is a minister, is he not? A. He was a missionary in Persia; he is a man of strict integrity and, as I say, is an enthusiast and works very hard; how much he accomplishes I don't know, but he gets all the assistance that the board can give him.

Q. Now, are any old offenders, hardened offenders, sent to Hart's island in such way? A. We send them up there.

Q. Then the younger men do not really derive the benefit that they would derive if these hardened offenders were not sent there? A. I don't know what you mean by hardened offenders; there are some pretty tough young fellows that aint hardened criminals, but men who go to the island frequently, they get six months; to watch those men as you do the penitentiary people would require a great many officers and give us a great deal of trouble, and those men are transferred to Hart's island; but Mr. Stockton always understands that those men are sent there for the purpose of preventing their escape, and he has it in his power to see that they do not associate with the younger members.

Q. It is desirable to keep them away from association with younger members, is it not? A. Yes, sir.

Q. Now, do you know to what extent they and the younger are actually kept separated? A. Well, nothing more than my confidence in Mr. Stockton.

Q. Well, have you ever made any particular inspection or inquiry for the purpose of discovering to what extent they are separated? A. Oh, yes; I have been up there very often; it could be made very much more perfect.

Q. It is very incomplete? A. It is not as complete as I should like to have it.

Q. And, as it exists, it is a detriment to the younger men? A. Well, yes; it might be.

Q. Your reformatory system there then is really insufficient? A. Well, it is not, as I say, what it should be, and it never can be until the method of commitment is changed; when the judge recognizes that a man is what you call a tough and he is not young enough to reform, he should be sent up for a definite period, with the understanding that he was to be taught a trade, probably; but so long as they are sent up there for six months, and are apt to be discharged in six days, there is very little hope for them or use of having a great plant for the purpose of educating these men for no purpose.

Q. Well, is there any rearrangement of the buildings of the reformatory necessary, or any more complete equipment necessary, or any more improved stock, in order to carry out the reformatory plan? A. Oh, yes; the buildings are all constructed under the warden's supervision; I guess there is not a building there that he has not laid the corner stone of.

Q. Have you applied for money for the rearrangement of those buildings or the construction of new ones? A. No, sir; I want you to understand, for the simple reason that there are a great many things that we fail to get that we ought to have; it is useless and foolish to burden our book of estimates with amounts which we know it is very certain we won't get, and I wish I could impress upon you gentlemen the importance — I don't know, I may be wrong, but I don't believe we will ever in the world get the buildings that the department requires until there is some new law passed by the Legislature authorizing their construction; the city requires armories, but I do not see why it should have these great big, magnificent, turreted buildings all over the city to house these militiamen, who ought to be housed, while our own people are in buildings that are scarcely fit to keep a human being in.

Q. Now, which of our buildings are in such condition that they are scarcely fit to keep a human being in? A. Well, there are some buildings at Hart's island, where we keep our female insane; they are fit to keep them in, but they are not at all fit — there are a number of

wooden pavilions on Hart's island that were erected by the government in 1860, as temporary barracks for troops; those buildings were occupied for the care of our chronic female insane.

Q. Are those buildings in as good condition now as when they were erected as temporary barracks? A. I do not believe you ask me that question in earnest.

Q. I want to know if they have been kept up? A. Well, they have been kept up; but you can't keep a rough wooden building, that is merely covered with tar paper, up that was erected some thirty years ago.

Q. So that they do not arise to the dignity of a barracks to-day? A. Hardly.

Q. How many people are in those buildings? A. I do not remember exactly the number; it is safe to say we have three or four of these pavilions there, but we have eight or nine on Blackwell's island; they are twenty feet wide and 150 feet long.

Q. How many people do you suppose are in them; you have three on Hart's island and nine on Blackwell's island? A. We have nine frame pavilions that were put up twenty years ago; some of those are propped up to keep them from falling to the ground, and the beds are so close together that they have to be pulled out at night, so that the occupants can get in and out.

Q. Are they creditable to our decency and civilization? A. They are not; but the board of estimates say they can not give us all we want, though they gave us enough this year to build one pavilion.

Q. How many of these pavilions have you, all told, there at Hart's island and everywhere? A. We have some nine, I think.

Q. Then the board of apportionment intends to deal out decency in nine or ten annual installments? A. Yes, sir; under Mr. Hewitt's administration we were enabled to purchase some land on Long Island; we have a thousand acres of land there that cost the city $22,500; I have three groups of pavilions there, provided with the most magnificent supply of the best water in the world; they are heated with steam, and I do not believe there is on the face of the earth a settlement for the care of the insane that will compare with them; I have that from Mr. Letchwood, who has devoted his life to the subject; he says he has never seen anything better; up to a year ago there wasn't a spear of grass there, it was nothing but scrub-oak, and we have simply, with the labor of those chronic insane cleared 400 acres now and raises as beautiful crops as you ever saw from the land which people said was worthless; it was not with any remunerative view that we entered into

this thing, but it was with regard to the improvement of the condition of these poor insane; they have an appetite for their meals; they can sleep at night, instead of walking around the building tearing their clothes to pieces and pulling their thumbs; we ask $250,000 this year to extend that, and the very last act of Mr. Hewitt's administration of the board of apportionment was to pass a resolution that the corporation counsel prepare a bill authorizing the issuance of bonds for the purpose of extending the accommodation at the Central Islip farm; it is the best thing that has been done in the interest of the insane in this country.

Q. Have you got any of the appropriation of $250,000 that you asked for? A. Yes, sir; we got $10,000 towards a pavilion and some little matters that we asked for.

Q. It is a piddling matter compared to what you need? A. Yes, sir; Ward's island has to-day (I have forgotten the exact census) some 1,600 or 1,700 inmates; it should not to have to exceed 1,000; the census of the insane increases every year; year by year, at least from 200 to 250, and what we can not get the board of estimate to consider is the fact that they have got to look it in the face that the city of New York has got to provide for a steady increase of at least 200 a year additional insane over the number discharged and died; they say, "oh, it is dreadful;" well, it is dreadful, but that the good Lord has provided for us and they have got to meet it, and the only way and the proper way to meet it is by extending this farm at Central Islip, because it is not on Ward's island, and I do not think it will be very long before they move every institution on Ward's island; Ward's island will be necessary to the city.

Q. Now, to come back to the three pavilions on Hart's island and the nine pavilions on Blackwell's island, which are propped up; how much would it cost to replace those nine buildings with proper structures? A. That is a question, Mr. Ivins; I have always said that to do that thing properly it ought to be looked upon as a whole and as a permanent thing; as a thing to last forever; you see there is no provision for this increase that I speak of in the future; we had a plan where we were going to take some vacant land and make a circle of these brick pavilions, but the amount of money we asked — we asked there, you will see; "the wooden pavilions now occupied by the female insane are in such condition that they are unfit [illegible] tation and we now ask for an appropriation to erect four bri[illegible] take the place of the present ones, $100,000.

Q. Now, what proportion have you got of that, [illegible] think we got $30,000.

Q. And you make the statement that they are unfit habitations for human beings? A. That, probably, is exaggerated; but I want to make it as strong as possible; I don't think, were they in the city, that the board of health would tolerate them.

Q. And you are certain that to accommodate these people as human beings ought to be accommodated in a civilized community, it would cost $100,000? A. Oh, it would cost a million dollars to do it properly.

Q. You asked for $100,000 to do it with, and they gave you $30,000; that will do what part of it? A. It will put up one building.

Q. As to all the other buildings, the inhumanity has got to go on? A. Yes; but I don't wish to be understood as, and I don't think that I have the right as a commissioner of the department, to criticise the action of the board of apportionment, for I have to take their word for it, that they do for us all they possibly can, keeping in view all the requirements of the other departments in the city.

Q. You are the responsible head of this department? A. Yes.

Q. They are the responsible head of another department? A. Yes.

Q. Why haven't you a right to criticise them just as much as they have a right to criticise you, if they do not co-operate with you in such a way as to enable you to do your work in a humanitarian way? A. I have always held that it was our duty to ask for what we thought the department required for its proper maintenance.

Q. Do you know any office which is above criticism? A. No, sir.

Q. Do you know any office which is above criticism ordinarily at the hands of a co-ordinate office? A. No, sir.

Q. Don't you think you are helping the community, the board, your own administration and yourself, by openly and honestly criticising it? A. Yes, sir.

Q. Even the mayor of the city and the board of estimate and apportionment? A. Yes.

Q. Is there any reason then why they, through parsimony, which is not economy, insisting upon continuing on as they have with these buildings, should not be held responsible for it? A. No, sir; I think Mr. Hewitt gave us — how much was it he gave us for building?

Mr. BENN.— Five hundred and forty thousand dollars.

The WITNESS.— I remarked to him, "What are you going to say to the taxpayers?" He replied, "I don't care what they say."

By Mr. IVINS:

Q. Did you ever hear any other mayor say that? A. Mr. Hewitt was a very extraordinary man; he had the courage of his convictions.

Q. Now, let us return for a minute to Randall's island; the infants at Randall's island are under 2 years of age? A. Yes, sir.

Q. The mothers of these infants are committed with them? A. They are obliged to go with them and nurse them.

Q. How long are they obliged to stop with them and nurse them? A. While they are there they have to work, but they nurse them and care for them under the supervision of the trained nurses.

Q. Now, I will put this proposition to you; there is a women, whose life has been habitually irregular, and who has been the mother of one, two, or three bastard children, and whose child is now at Randall's island; there is another women, who is honestly the victim of misplaced confidence, whose instincts are presumably decent and virtuous, and she finds her child there; is there any classification made in such a way as to separate the women who are habitually dishonest in their lives, from these first offenders? A. [Laughing.] Well, they are not—

Q. [Interposing.] That is very serious? A. I know, Mr. Ivins, but I don't know of any rounders of women that have children.

Q Now, isn't it a fact, that some of the most disreputable women in the city, find themselves there nursing their children alongside of young girls who are suffering from their first offense? A. Not very often; I suppose it is so.

Q. Is there anything done in the department to prevent it? A. Yes, sir; I think by the medical superintendent, and then the nurses; the thing has been wonderfully improved within the last two or three years, since it has been under the charge of trained nurses; it would be repulsive to them to sit by and see anything done that they do not approve of; I think it is wonderfully improved, and I don't think the cases you speak of occur very often.

Q. You are not prepared to say they do not occur? A. They do occur, but I think a girl, falling for the first time, finds friends to take care of her.

Q. You think the people who really go to Randall's island are old offenders? A. Not old offenders in having children, but I think that their habits are bad.

Q. When I say old offenders, I mean women whose lives have been dissolute for a long while; it may be their first child or their second child or their third child, but they have been leading habitually dissolute lives; they find themselves side by side with young women who have been leading habitually dissolute lives? A. Well, very few; there are some there who have not led habitually dissolute l[illegible] good Lord comes to the relief of some of them.

Q. How far does the good Lord come to the relief of some[illegible] and how far does the department of charities and correction[illegible] take care of the business of this kind anyhow? A. I think t[illegible]

my own time is taken up with cases that you speak of, not only with women, but men who are afflicted with all sorts of troubles.

Q. Is your system so organized that instead of finding physical means to supply organized force in making proper classification you have to go outside and rely largely on the good Lord? A. Well, I rely a good deal upon Him.

Q. Is it not a fact, Mr. Porter, that your whole department is unfortunately supplied with men and means to do the work which ought to be done and that in order that the work should be done the community has very largely to fall back upon its volunteer efforts in one form or another? A. Well, I think that it would make little difference so far as the volunteer efforts were concerned if our appropriations were ever so large, for I think the larger the appropriations, the better administered the institutions, the more interest the public would take in them; I have found that to be the case with all kindly disposed people, the thousands who visit them; if they see that there is an honest effort on the part of the commissioners to elevate the condition of the inmates and to make the whole thing better, it increases their interest and they work harder and do a great deal that they would not otherwise do.

Q. Do you keep any record of the women who go to Randall's island with their children? A. Oh, yes.

Q. So that you can always trace a women back and see the number of times that she has been there? A. Mr. Blake keeps those records; there is scarcely a month in the year that we do not receive a letter from some part of this earth from probably some man who has grown to manhood, or women who has grown to womanhood, who is the father or mother of a family, asking if the department will not furnish them with the facts in regard to their paternity or maternity, wanting to find out who they were — who was their father or mother — knowing that they came from our department.

Q. Now, there is not a class of vicious women who return to Randall's island with more or less frequency and who know that Randall's island is going to be a refuge for them to protect them from the consequences of their vices, so far as poverty and destitution are concerned? A. Do you mean these women with children?

Mr. IVINS.— Yes.

The WITNESS.— I hardly think that a woman does that with a view of going to the department; their habits have taken from them the power of child-bearing; it is mere accident that they have a child.

Q. Is it not a fact that these people feel an immunity from the protection and care that they get — in spite of the care which they get?

A. I think there are a great many people who are happy from the fact that they know they have public institutions behind them and they are perfectly satisfied with their residence there.

Q. Do you know any way in which that can be cured in so far as your department is concerned? A. What; to cure these women?

Mr. Ivins.— Their chronic return there with their children?

The Witness.— These new children; I do not know.

Q. Well, I think you ought to be pleased that your laugh can not get on the record, Mr. Porter? A. Well, I do not see what you want about the condition of the improvement of these women.

Q. I am not asking you about the condition of the improvement of these women; I am asking you if there has been a class of women whose lives are vicious and who go back a number of times with their children to be cared for at that public institution? A. Oh, no; they can't go back with the same child.

Q. I do not mean the same child; can't you look at your record and see whether the same woman has been there once or twice, or three or four times? A. There may be a case of that kind.

Q. Is it not a fact that there are cases of that kind? A. There may be; Mr. Blake will give you that.

Q. Is there any disciplinary treatment of those women when they do go there with their children? A. Yes, sir.

Q. How are they disciplined? A. By the rules or regulations of the asylum or hospital.

Q. They all mingle, do they not? A. No; they do not.

Q. How are they kept apart? A. So many in a ward.

Q. How many in a ward? A. Twenty or thirty; these wards are patrolled by trained nurses.

Q. Well, take a ward with twenty or thirty in it; so far as they are concerned, they are not classified in any way, young and old are put in together, are they not, the habitually vicious and the first offenders all together; don't you know about that; have you never taken any means to find out about it? A. I do not recognize the habitually vicious in regard to child-bearing; it is not so; there may be isolated cases; but the woman don't habitually, like a rounder, have a child and go up there.

Q. Nobody assumes that she does; suppose it is known that she is a woman who habitually leads a vicious life? A. I suppose most of these women do.

Q. Or that she has been a continual drunkard? A. Continual drunkards don't have children,

Q. Now, what becomes of these children? A. After they are two years old they are assigned to some of the other institutions.

Q. By whom? A. Mr. Blake.

Q. He has the entire disposal of them? A. With our approval.

Q. What other institutions? A. The Catholic protectory and so on — they are divided up between different institutions to the religion of which their parents belong.

Q. Do any of them go to the alms-house? A. What; children?

Q. Yes. A. Oh, no.

Q. Are there any of your hospitals to which the system of trained nurses has not been extended? A. Let me see; I think not.

Q. You have them at Bellevue? A. Yes; at every hospital in the department.

Q. Are they assigned to men's wards? A. Yes.

Q. In all of the hospitals? A. Not all of them as yet.

Q. In which of the hospitals have trained nurses not been assigned to men's wards, and in which have they been assigned? A. They are virtually in all the wards, but there are some peculiar wards where there is a class of operations, in Bellevue, I think, where they have retained probably not to exceed one or two of the old orderlies, who are considered very expert in some peculiar operations.

Q. You think then that the system of trained nurses is quite as general as it is practicable or possible to extend it? A. Well, we have to extend it to our insane asylums; Dr. Macdonald is establishing what is virtually a trained school in the insane asylum, so that the attendants will be freely trained while assisting in the care of the insane.

Q. As yet, there are not any trained attendants or nurses in any of the asylums, are there, no further than a long service would make them trained attendants; take a man or a woman who has been in the asylum? A. Some of them have been there for twenty-five or thirty years; they ought to be called trained nurses or trained attendants.

Q. Now, we spoke of the pavilions on Hart's island and Blackwell's island; there is an annex on Ward's island or pavilion of some kind, is there not? A. Oh, yes.

Q. In which you keep lunatics? A. We rented from the commissioners of emigration the building which they erected for the care of the insane.

Q. Now, is that a fit place? A. Then they have what they call the annex, which is not a fit place.

Q. How many are there in the annex? A. I have forgotten the number, but it is quite a large number; it is a very large building.

Q. As many as a hundred? A. Oh, yes; probably more.

Q. What is the condition of the annex that renders it unfit for habitation? A. It never was built for the purpose.

Q. That is another inhuman makeshift, is it? A. This farm at Islip was intended to relieve that, and until we get more money to extend our farm, or some other method is adopted, we will be overcrowded.

Q. Do you know of any other civilized community among those that you say you have visited and the institutions which you say you have looked into, that has any buildings that are at all compared in point of badness with that annex? A. Well, it is entirely unfit for its purpose; I will say that; but in saying so, I do not mean to say that the patients suffer at all, and it is as cleanly as any other building too; but it is a great big square building that was built for I don't know what purpose.

Q. A wooden structure? A. No; it is brick; but it was not built for the purpose.

Q. Is it safe and stable? A. Oh, yes; safe enough; as fit as any building that was not built for the insane is fit for them.

Q. But you have to continue to use that, you, say, because of the impracticability of disposing of these patients elsewhere on your present appropriations? A. We must get additional buildings.

Q. Now, is there any provision so far as you know, by law or otherwise, which makes it compulsory upon the board of estimate and apportionment to make regular and steady provision for the increase of appropriations commensurate with the increase in the insane census from year to year? A. I suppose the board of estimate and apportionment is constituted for the purpose of granting sufficient sums of money for the maintenance of each one of the departments, whether the sum is large or small.

Q. Does it do so? A. It ought to be so; I believe so.

Q. Do you know of anything which makes it mandatory upon them to make provision from year to year for the increase in the number of insane patients? A. No, sir; I may say that the board, except in the matter of buildings, are disposed to be liberal in regard to appropriations for the care of the insane, more so than in any other of the institutions of our department.

Q. The persons who are in attendance on the insane are called what; keepers or attendants? A. Attendants.

Q. What is the average length of the term of service of an attendant in the Ward's island insane asylum? A. Well, it is hard to say.

Q. What is the average? A. Some of them have been there for many years, and others make it a sort of a — well, they have nothing

to do, no employment and their character being good they go there until they can find something better to do; but I am told by those who know, Dr. Collins and our general superintendent that our attendants to-day will compare with those of any other asylum in the world and I think it is true; it has wonderfully improved in the last few years.

Q. Is your attendance so good, of so high an order as it would be if these people had greater inducement to serve a longer time and take a greater interest in their work? A. I think it would be a great thing if it could be done in that way — if there were an inducement; there should be something for these poor fellows to look forward to if they are injured, as many of them are by the insane; it is not an unusual thing that they are kicked and their fingers broken and their eyes blacked; if it was arranged that they should receive a pension after a certain number of years' service, it would be a great thing; of course, it would emulate them to do better and make it a position for their lives.

Q. Now, is it not a fact that there is quite a large majority of the present staff of attendants who have not been in the service a year? A. No; I would not like to say that — not a year; they change them very often; but I think that the majority of all the resignations, and they are mostly resignations, contain something complimentary of the doctors and superintendent, and they generally wind up, "and we leave, because we hope to better our situation."

Q. Is there any care taken in selecting and grading these attendants? A. Oh, yes; very great.

Q. Who has charge of that? A. The medical superintendent, with the concurrence of the general superintendent.

Q. Do you think it would be impossible to take better care in that selecting and grading? A. Yes; than we do at present; I do not think there is his superior, and I doubt very much if his equal lives; I refer to Dr. MacDonald.

Q. Are boys and girls under 16 years of age, while awaiting sentence to reformatory institutions, or awaiting examination before a magistrate, kept in any of the institutions under your charge in company with adults charged with or convicted of crime and not in the presence of a proper official? A. I do not know of any other place they could be kept.

Q. A number of cases have been brought to my attention in which they have been so kept? A. We have a place in the city prison where they keep the girls that you speak of; it was only yesterday that I heard of a very pretty girl who had been tempted to steal from her

employer for the first time; they are kept in a room all by themselves; but she had another place provided for her last night and was going out as if she had committed no offense.

Q. Are there any rules of your department governing such cases? A. Oh, yes; we have that place at the Tombs.

Q. But have you established any regular rules by action of the board, so that we can get them? A. Yes.

Q. I should like to have a copy of those rules, and I would like to know whether or not any inspections are regularly made to see whether these rules are abided by? A. Well, I go there nearly every day of my life, and if I do not, some of the other commissioners do.

Q. Are they made by other than the commissioners? A. Well, I think we have an exceedingly conscientious warden, and this was done at his instance; I do not think it has been over a year; we have a separate cell for the purpose of keeping these young females who are arrested for the first time.

Q. Now, before you go, I would like to ask whether, apart from the question of economy which you have spoken of, there is, so far as you know, any objection to the entire separation of the charitable and correctional branches of the service from each other? A. I can't see anything in the world to be gained by it, Mr. Ivins.

Q. Is the only objection to it the fact that you can not see anything to be gained by it? A. I can't see any object in it if there is nothing to be gained; I have heard a great deal of talk about it, but honestly I can't see how the city, the inmates, or anybody else can be served by it; I can see a great many reasons why it should be left just as it is.

Adjourned to meet on call of the chairman.

EXHIBIT 2 — DECEMBER 30, 1890.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION. — SALARIES FOR 1890, BASED UPON PAY-ROLL FOR NOVEMBER, 1890.

Pay-roll of commissioners.

	Per annum.
Henry H. Porter, president	$5,000 00
Chas. E. Simmons, commissioner	[illegible]
Edw. C. Sheehy, commissioner	[illegible]

Pay-roll of central office.

Geo. F. Britton, secretary	$2,300 00
Arthur Phillips, assistant secretary	2,000 00
F. A. Gushman, purchasing agent	3,000 00
Chas. Benn, general bookkeeper	3,000 00
A. J. Dickerson, clerk to purchasing agent	1,500 00
Edw. H. Nicoll, contract clerk	1,200 00
Robert Anderson, requisition and entry clerk	1,100 00
E. C. Graham, assistant in general bookkeeper's office	1,000 00
Wm. Walker, clerk to general bookeeeper	800 00
Geo. T. Reed, clerk to purchasing agent	900 00
Mary E. Townsend, stenographer and typewriter	900 00
Joseph O. Connor, office boy	500 00
	$18,200 00

Pay-roll of superintendent, etc., — Outdoor poor.

Wm. Blake, superintendent	$3,000 00
Samuel J. Bettman, visitor-at-large	800 00
Wm. F. Wash, issuer of permits	800 00
Christ'n Skoellin, clerk	800 00
Fred. E. Bauer, issuer of permits	.....
John Higgins, Blackwell's island, mail carrier	120 00
Thos. D. Ryan, office boy	500 00
	$6,820 00

Pay-roll of central office stables.

Wm. Cronin, in charge stables	$1,000 00
John Balfour, driver	800 00
Peter Bishop, driver	800 00
Jeremiah Bush, driver	800 00
Michael Dillion, driver	800 00
James F. Howe, driver	800 00
Terence O'Reilly, driver	800 00
Dennis O'Hare, driver	800 00
Thos. O'Gare, Bellevue hospital, assistant driver	500 00
James Partell, hostler	800 00
Patrick McKenna, driver	800 00
	$8,700 00

Pay-roll of bureau of medical and surgical relief.

	Per annum.
Albert S. Newcombe, examining physician	$1,000 00
Morris Dietsch, apothecary	400 00
James Roylan, apothecary	400 00
Henry Savage, apothecary	720 00
James Dunne, clerk to examining physician	144 00
	$2,664 00

Pay-roll of storehouse.

Robert E. Cleary, general storekeeper	$1,900 00
J. C. Barron, laborer	480 00
John A. Bailey, laborer	60 00
J. W. Boylston, laborer	240 00
Fred. Cordler, laborer	240 00
Pat. Donnellan, gasmaker	500 00
Thomas Fox, assistant gasmaker	180 00
John Frizzell, laborer	60 00
Wm. H. Glussner, laborer	300 00
N. T. Hubbard, laborer	240 00
Joseph P. Henry, night guard	500 00
Fred Jarvis, laborer	60 00
Wm. C. Murdock, weighmaster	60 00
E. J. Madden, laborer	120 00
Jerome O. Sullivan, cutter	400 00
Roden H. Richard, laborer	240 00
Thos. Rogers, laborer	60 00
Jeremiah Smollen, night guard	575 00
Francis M. Sellar, laborer	240 00
Chas. H. Woodruff, laborer	240 00
	$6,695 00

Pay-roll of general drug department.

Charles Rice, chemist	$2,500 00
Dennis Gerrity, assistant chemist	800 00
James F. White, apothecary	500 00
Diedrich Siebrand, laborer	300 00
	$4,100 00

Pay-roll of steamboats.

David Bird, pilot	$1,350 00
Thos. S. Hane, engineer	1,100 00
John H. Davis, weighmaster	900 00
Edward Golden, mate	800 00
Fred Hensler, engineer	700 00
Geo. H. Hill, captain of launch	700 00
Solomon E. Joseph, ticket agent	700 00
Bernard Brady, watchman	500 00
Herman Feldheisen, mate	500 00
John S. Brown, fireman	400 00
Jacob H. Burleyte, fireman	400 00
Frank E. Crosby, engineer	700 00
Chas. Delmaye, fireman	300 00
Samuel G. Graff, fireman	300 00
Mary Bracken, nurse	180 00
John McCarthy, pilot	1,200 00
Frank H. Ward, pilot	1,000 00
Abraham Kramer, dockmaster	900 00
Edward McEvoy, captain of launch	700 00
Wm. F. Yates, engineer	700 00
Chas. Stewart, fireman	500 00
Edward Maroney, fireman	400 00
Daniel Murphy, fireman	400 00
John Steigerwald, fireman	300 00
John McCann, laborer	120 00
	$15,750 00

Pay-roll of city prison (Tombs).

Chas. Osborn, warden	$2,500 00
Mark Finley, deputy warden	1,300 00
Matthew D. Field, examining physician	1,200 00
John Orr, deputy warden	1,000 00
Allen Fitch, physician	1,000 00
John Donnolly, clerk	900 00
Lawrence McDermott, keeper	900 00
Frank Smith, keeper	900 00
Chas. K. Magee, physician	800 00
Chas. H. Cheetwood, physician	800 00
John J. Connolly, keeper	800 00
Robert Cunningham, keeper	800 00

John Caseym, keeper	$800 00
Edward Donnolly, keeper	800 00
Michael D. Downey, keeper	800 00
William Evers, keeper	800 00
Henry Evans, gatekeeper	800 00
John Gamon, keeper	800 00
Hugh Keegan, keeper	800 00
Michael H. Leach, keeper	800 00
Hugh McGovern, keeper	800 00
John McCaffery, keeper	800 00
Wm. McNamara, keeper	800 00
Peter J. Meegan, keeper	800 00
Hugh O'Brien, keeper	800 00
James O'Brien, keeper	800 00
Cornelius Pierce, keeper	800 00
Abraham J. Quinn, keeper	800 00
George Roberts, keeper	800 00
Elijah T. Sampson, keeper	800 00
Henry Van Holland, keeper	800 00
Patrick J. Casey, gatekeeper	600 00
Dennis Crimmins, gatekeeper	600 00
William Flynn, gatekeeper	600 00
Lawrence Lamb, gatekeeper	600 00
George Riedel, gatekeeper	600 00
Elizabeth Stone, matron	525 00
Margaret M. Meehin, assistant matron	525 00
Mary J. McKeon, assistant matron	500 00
Theresa McLaughlin, assistant matron	500 00
Elizabeth E. Stack, assistant matron	500 00
John Lee, fireman	300 00
John McAfee, fireman	240 00
William Hasert, cook	500 00
Edward Monsees, fireman	120 00
John McCarthy, helper	120 00
	$24,930 00

Pay-roll of second, third, fourth, fifth and sixth district prisons.

James B. Hedwith, warden	$2,000 00
Augustus H. Laving, engineer	1,500 00
Patrick Lestrange, chief keeper	900 00
Martin Birgen, keeper	900 00

John Foy, keeper	$800 00
Matthew J. McCusker, keeper	800 00
Redmond McManus, keeper	800 00
William O'Brien, keeper	800 00
John Reilly, keeper	800 00
Matthew Daly, keeper	800 00
Lawrence E. O. Bryan, keeper	800 00
William H. Weeks, keeper	800 00
Patrick Carroll, keeper	800 00
William C. Gover, keeper	800 00
John C. Lynch, keeper	800 00
William McKenna, keeper	800 00
John McDonald, keeper	800 00
Thomas A. Ryan, keeper	800 00
John P. Engelhard, keeper	800 00
Edward Cuskley, keeper	800 00
Catharine Burrows, matron	450 00
Elizabeth Byrnes, matron	450 00
Mary Campbell, matron	450 00
Rosanna Fitzgerald, matron	450 00
Rosa Lynch, matron	450 00
Ellen F. Harrison, matron	450 00
William Horan, gatekeeper	700 00
John J. Hanley, gatekeeper	600 00
William Glassfield, fireman	360 00
Sylvester J. Lahey, physician	300 00
Jackson R. Campbell, physician	300 00
	$23,060 00

Pay-roll of Bellevue hospital.

John J. Fallon, warden	$1,700 00
Michael J. Rickard, steward	900 00
John Conway, steward	900 00
John Gannong, apothecary	750 00
Julius Vosen, chief cook	720 00
Stuart Douglas, physician	700 00
James Gleason, registrar	600 00
Agnes S. Brennan, matron	600 00
John Kramer, gatekeeper	500 00
Patrick Kerrigan, night gatekeeper	500 00
Edward Quirk, ambulance driver	500 00

James Flanagan, ambulance driver	$500 00
Thos. J. McIntyre, ambulance driver	500 00
Thos. McAuliffe, stableman	500 00
Patrick Donnolly, stableman	500 00
John Sheridan, cook	500 00
John J. Donovan, captain night watch	480 00
Patrick Lenord, attendant	420 00
Albert N. White, morgue keeper	405 00
John B. Pyne, assistant apothecary	400 00
Patrick O'Connor, gardener	360 00
John Conroy office attendant	300 00
Terrence Feely, office attendant	300 00
Matthew Joyce, office attendant	300 00
Edward Mallon, attendant	300 00
John J. Maloney, orderly	300 00
Mary McGurk, nurse	300 00
Margaret J. O'Connell, nurse	300 00
Elizabeth C. Morrissey, laundress	360 00
Mary J. Fox, attendant	240 00
Peter Blake, orderly	240 00
Henry Beachman, orderly	240 00
James T. Coate, orderly	240 00
James Connolly, orderly	240 00
Edward J. Courtney, orderly	240 00
Francis J. Duffy, orderly	240 00
Joseph Eastman, orderly	240 00
Hugh Flanigan, assistant morgue keeper	240 00
John M. Fisher, orderly	240 00
Michael Horan, fireman	240 00
Victor C. Haltz, orderly	240 00
Alexander Jackson, orderly	240 00
Delia Lynch, cook	240 00
Geo. M. Lawless, orderly	240 00
Peter Masterson, orderly	240 00
Philip Mertz, orderly	240 00
William Mooney, orderly	240 00
James McCormick, orderly	240 00
Peter Purfield, orderly	240 00
Arthur Williams, orderly	240 00
Lizzie McSherry, attendant	216 00
Elizabeth Mooney, attendant	216 00
Lizzie Nerie, attendant	216 00

Kate Cunningham, attendant	$216 00
Annie Murphy, attendant	216 00
Elizabeth Smith, nurse	216 00
Catharine McGuire, attendant, outdoor poor	192 00
Jacob Curtis, telegraph operator	180 00
Mary E. Cullinane, waitress	180 00
John S. Donohue, assistant orderly	180 00
Margaret Sheridan, laundress	180 00
Twenty-six nurses, at $180 each	4,680 00
Michael A. Finnell, night watchman	144 00
Maria Keechim, nurse female lodging-house	144 00
Francis Leslie, night watch	144 00
Louis Miller, night watch	144 00
Owen McGuire, elevator attendant	144 00
Thos. Powers, night watch	144 00
John Robinson, night watch	144 00
Nine nurses, at $144 each	1,296 00
Bridget Whelan, waitress	96 00
Michael Daly, attendant	96 00
James E. Goddin, store helper	120 00
Thos. McElroy, bottle washer	120 00
Mary Nolan, assistant gatekeeper	120 00
Christopher Sharkey, attendant	96 00
Helen V. Curtis, trained nurse	240 00
Mary Tyron, trained nurse	240 00
Mary C. Janney, trained nurse	216 00
Mary A. Moore, trained nurse	216 00
Annie M. W. Beck, trained nurse	216 00
Thirteen trained nurses, at $180	2,340 00
Thirty-eight trained nurses, at $120	4,560 00
Ernest Gotz, attendant Wood's museum	240 00
G. M. Hubbard, nurse	180 00
	$38,723 00

Pay-roll of Gouverneur hospital.

Ira T. Johnson, house surgeon	$800 00
Lucius F. Donohoe, senior surgeon	700 00
William H. Steers, junior surgeon	600 00
Harriet McCarrick, housekeeper	500 00
James Rickard, driver	500 00
Henry V. Lane, driver	500 00

Frank Logan, apothecary	$400 00
Chas. F. Wilson, chief orderly	360 00
Mary Fitzgerald, cook	300 00
Peter Geraghty, watchman	240 00
Maggie Phillips, laundress	192 00
Lena Karle, waitress	192 00
	$5,284 00

Pay-roll of Harlem hospital.

Waller H. Dade, house surgeon	$800 00
Fred. P. Hammond, senior surgeon	700 00
Eugene A. Smith, junior surgeon	600 00
Sophia L. Townsend, supervising nurse	500 00
Frank Martin, ambulance driver	500 00
Fred Lang, dead wagon driver	500 00
Joseph Terris, apothecary	400 00
John Glennon, assistant dead wagon driver	360 00
Emily Andrews, cook	300 00
Geo. H. Gardner, orderly	240 00
Mary Gross, waitress	192 00
Thomas Cody, hall boy	120 00
Henry C. Elsing, ambulance surgeon	400 00
	$5,612 00

Pay-roll of Charity hospital.

Robert Roberts, warden	$1,500 00
Louise Dorcho, matron and superintendent of nurses	1,000 00
James McVey, engineer	900 00
Patrick Flaherty, storekeeper	900 00
D. Clifford Kimber, assistant matron and superintendent of nurses	800 00
John Murphy, apothecary	600 00
George Weibel, chief cook	600 00
Gustavus W. Mayer, chaplain	450 00
Joseph Gregor, assistant cook	400 00
Thos. G. Higgins, assistant apothecary	400 00
Jane Jackson, housekeeper	360 00
Chas. Seierson, chief orderly	360 00
Joseph E. Young, skilled laborer	360 00
Albert Smith, watchman	450 00
John Buckley, assistant chief orderly	300 00

Mary Hallahan, attendant work-house help	$300 00
John Hennessy, fireman	300 00
John Issler, fireman	300 00
Annie Keeler, laundress	300 00
Frederick Toole, clerk	300 00
Pauline G. Harris, head nurse	300 00
John F. Aldritt, orderly	240 00
Ambrose D. Butler, laborer	240 00
Thomas Dinnigan, gatekeeper	240 00
B. O. Gardner, nurse	240 00
Edith Haylard, nurse	240 00
Nettie F. Marrow, nurse	240 00
James Maloney, day orderly	240 00
Kate M. Redmond, nurse	240 00
Honora Ganey, nurse	240 00
Gertrude M. Hulse, nurse	240 00
James H. Dunn, orderly	240 00
John Maloney, orderly	240 00
Jeremiah Morrissey, orderly	240 00
Eliza Caffrey, nurses' cook	216 00
Annie Rutherford, doctors' cook	216 00
Forty-five training school, at $180.00	8,100 00
Kate Kenny, waitress	192 00
Maggie McEntee, waitress	192 00
Mary McUgh, waitress	192 00
Annie Murphy, waitress	192 00
Seventeen training school, at $144.00	2,448 00
Mary Lynch, kitchen keeper	144 00
Annie Kline, assistant laundress	120 00
Rusi McCarroll, assistant laundress	120 00
Twenty-five training school, at $120.00	3,000 00
Abbie Dalton, keeper females' clothes	96 00
Frederick Cameron, assistant orderly	72 00
Emma Berger, scrubber	60 00
Mary O'Brien, domestic	60 00
	$29,720 00

Pay-Roll of New York penitentiary, Blackwell's island.

Louis D. Pillsbury, warden	$2,500 00
John Curren, deputy warden	1,500 00
William Coughlin, master mechanic	1,200 00

Michael Kennedy, keeper	$1,100 00
John McCormick, keeper and master stonecutter	1,000 00
Cornelius Mahoney, keeper and tinsmith	1,000 00
Thomas Ryan, keeper and tool sharpener	1,000 00
John Nugent, keeper	900 00
Michael Adams, keeper	800 00
John Brady, keeper	800 00
Thomas J. Brophy, keeper	800 00
Andrew Buchanan, keeper	800 00
Jeremiah Butler, keeper	800 00
Patrick Campbell, keeper	800 00
Michael J. Conley, keeper	800 00
Thomas Connor, keeper	800 00
Thomas Daly, keeper	800 00
Isaac B. Dickerson, keeper	800 00
Patrick Duryea, keeper	800 00
Thomas Flynn, blacksmith	800 00
Thomas Fitzsimons, keeper	800 00
Patrick Gallagher, keeper	800 00
Joseph F Gregory, keeper	800 00
Griffith W. Griffiths, shoemaker	800 00
John Guiry, carpenter	800 00
James Harrison, keeper	800 00
James Haughey, wheelwright	800 00
John Henry, keeper	800 00
Benjamin Kiernan, keeper	800 00
Henry Miner, keeper	800 00
John Nolan, keeper	800 00
James O'Brien, keeper	800 00
Daniel O'Neil, keeper	800 00
James Quinlan, keeper	800 00
Thomas Reilly keeper	800 00
Albert J. Riss, keeper	800 00
John Ryan, keeper	800 00
Mathew Ryan, keeper	800 00
Timothy S. Kelly, keeper	800 00
Thomas Sullivan, keeper	800 [illegible]
Edward Walsh, keeper	80[illegible]
Andrew Wilson, keeper	80[illegible]
Thomas F. Ledwith, stonecutter	80[illegible]
Richard G. McClusky, tinsmith	80[illegible]
Robert McNally, carpenter	80[illegible]

Cornelius O'Brien, carpenter	$800 00
John O'Keefe, keeper	800 00
Thomas O'Neill, keeper	800 00
Patrick O'Tool, painter	800 00
Michael J. Rourke, stonecutter	800 00
Hugh Vaughn, keeper	800 00
Charles Watjen, keeper	800 00
Henry M. Padden, painter	700 00
James Barry, guard	600 00
James Fields, guard	600 00
James N. O'Reilly, gatekeeper	600 00
Michael F. Whalen, guard	600 00
James M. Crane, record clerk	500 00
Isabella DeGraff, matron	500 00
Joseph Busam, chaplain	450 00
Terence Larkin, fireman	360 00
Mary DeCastro, assistant matron	300 00
Joseph F. Doyle, hospital orderly	300 00
Helen A. Jamison, assistant matron	300 00
Sarah Morriaty, assistant matron	300 00
Kate O'Brien, assistant matron	300 00
Margaret Redden, assistant matron	300 00
Bogart W. Raper, hospital orderly	240 00
Ellen Burke, nurse Tem. hospital	216 00
John McDermitt, wheelwright	180 00
Rose F. Spencer, female orderly	180 00
Eugene L. Witman, skilled laborer	180 00
	$54,106 00

Pay-roll of alms-house, B. I.

Wm. S. McNamara, warden (temporary acting)	$1,350 00
Samuel Nast, steward	900 00
Chas. F. Hotchkiss, engineer	600 00
Mary J. Mullen, matron	500 00
Herman Blumensaat, chaplain	450 00
Kate Netter, assistant matron	300 00
Henry Billigmeyer, fireman	240 00
Margaret Ryan, head nurse and housekeeper	240 00
George A. Ryan, fireman	240 00
Louis Schwaier, apothecary	240 00
William Kiggins, orderly	216 00

James McCormick, orderly	$216 00
Thomas Murphy, orderly	216 00
Thomas Quinn, orderly	216 00
Ann Brennan, attendant	180 00
Ellen Geare, laundress	180 00
Mary Maginn, nurse	180 00
Edmund Cahill, orderly	144 00
Annie Foy, nurse	144 00
Helen Howard, nurse	144 00
Theresa Kavanny, nurse	144 00
Mary Kearley, nurse	144 00
Kate Leniggan, nurse	144 00
Jennie M. Long, nurse	144 00
Mary McBrearty, nurse	144 00
Mary Riordan, nurse	144 00
Patrick Matthews, orderly	144 00
James Boylan, orderly	120 00
Robert Lister, orderly	120 00
James Walch, orderly	120 00
Michael Clark, gatekeeper	120 00
Mary Harvey, night nurse	120 00
Lillian Milligan, night nurse	120 00
Thomas Richardson, clerk	120 00
Catharine Maples, nurse	96 00
Sarah Robinson, nurse	96 00
Thomas Harrington, orderly	72 00
Thomas Kelly, orderly	72 00
Michael Cunningham, attendant	60 00
William E. Joyce, laborer	60 00
Michael Lynch, attendant	60 00
John Roth, laborer	60 00
	$9,560 00

Pay-roll of incurable hospital.

John Hult, orderly	$192 00
Eliza Reynolds, nurse	180 00
Frances Foy, night nurse	120 00
Thomas Clifford, attendant	60 00
	$552 00

Pay-roll of work-house.

Lawrence Dunphy, superintendent	$2,000 00
Thomas Burnes, keeper	800 00
Bernard McGill, keeper	800 00
Thomas Connolly, keeper	750 00
Wm. H. Hines, keeper	750 00
John McLaughlin, keeper	750 00
Peter Reed, keeper	750 00
John Whalen, keeper	750 00
William Callaghan	750 00
Henry Romand, master baker	775 00
John Barrett, engineer	700 00
Phillip Kernen, assistant baker	700 00
Nelson Blangey, deputy keeper	650 00
Wm. M. Dunphy, deputy keeper	650 00
Michael O'Hara, deputy keeper	650 00
Cornelius Kennedy, coxswain	600 00
Dennis McMahon, stable keeper	550 00
Sarah Dunham, matron	500 00
Frank McCaffrey, clerk	500 00
Chas. Dinkelacker, cook	420 00
Kate Cox, hallkeeper	360 00
James Frazer, shoemaker	360 00
Mary J. Henegan, hallkeeper	300 00
Anna Lynch, hallkeeper	300 00
Mary A. McCarthy, hallkeeper	300 00
Mary A. Mangam, hallkeeper	300 00
Catharine Sullers, hallkeeper	300 00
Maggie McCaffrey, hallkeeper	300 00
John McDonough, fireman	300 00
William Webb, fireman	300 00
Alicia Crawford, attendant	240 00
Maggie Delaney, nurse	240 00
John Drew, attendant	240 00
Kate McElgun, attendant	240 00
Mary A. Gibson, nurse	240 00
Louis A. Krentz, apothecary	240 00
John Barry, orderly	240 00
Mary D. Cary, assistant matron	180 00
Henrietta Donohue, nurse	180 00
Wm. Romand, fireman	160 00
Martin Bode, assistant clerk	120 00

James O'Brien, laborer	$120 00
Peter Fisher, laborer	60 00
John Rosenbauer, laborer	60 00
	$20,475 00

Pay-roll of Homœpathic hospital, Ward's island.

George Taylor Stewart, chief of staff	$1,400 00
William B. O'Rourke, steward	900 00
Thomas F. Murray, engineer	700 00
Patrick J. Buckley, watchman	480 00
H. A. T. Kayser, fireman	300 00
Edwin Bray cook	240 00
Ellen Loughlin, supervising nurse	240 00
Eliza M. Mulloy, orderly	240 00
Twelve orderlies, at $228	2,736 00
Seventeen nurses, at $192	3,264 00
Charlotte Gerard, assistant cook	180 00
Patrick Keeley, laborer	60 00
	$10,740 00

Pay-roll of Randall's island hospital.

James B. Healey, medical superintendent	$2,000 00
Wm. H. Kennelly, steward	900 00
Raphael Gelinas, chaplain	450 00
Mary J. Quinn, matron	450 00
Arthur S. Platt, gardener	900 00
Thomas Sheridan, fireman	500 00
James Killen, watchman	420 00
Samuel Smith, attendant	420 00
Hugh O'Donnel, cook	520 00
Annie Barden, matron	400 00
James Fagan, assistant apothecary	400 00
Nicholas Barry orderly	300 00
Emil A. Fournier, orderly	300 00
William Hasselback, orderly	300 00
Richard Jackson, fireman	300 00
Michael McDonough, fireman	300 00
Michael McGovern, attendant	300 00
Vincent Matthews, attendant	300 00
George O'Brien, attendant	300 00
John C. O'Connor, attendant	300 00
Philip Sheridan, attendant	300 00
John Kelly, attendant	360 00

Daniel Sullivan, attendant	$360 00
John G. Kennedy, orderly	360 00
Joseph Lloyd, orderly	360 00
Richard O'Keeffe, fireman	360 00
Bernard Arthur, orderly	264 00
Timothy Carroll, orderly	240 00
Fourteen nurses, at $240	3,360 00
James Powers, fireman	240 00
Francis McConell, plumber	240 00
William Dougherty, attendant	240 00
Bartholomew H. Doyle, attendant	240 00
Zachariah Jacques, attendant	240 00
James Kelley, attendant	240 00
Richard R. Kefford, attendant	240 00
Michael Mahoney, attendant	240 00
Twenty-four nurses, at $192	4,608 00
Edward Stevens, attendant	180 00
Sixteen assistant nurses, at $120	1,920 00
Rose West, waitress	120 00
Kate Daly, cook	120 00
Henry Burke, laborer	120 00
Frank Riddell, carpenter	120 00
Edward H. McCabe, clerk	144 00
	$25,276 00

Pay-roll of Randall's island school.

Mary C. Dumphy, superintendent	$1,500 00
Mary Cahill, teacher	550 00
Anna Murphy, teacher	500 00
Catharine Donovan, teacher	500 00
Mary J. Wilson, teacher	500 00
Mary S. Parker, teacher	500 00
Elmy Gibson, teacher	500 00
Mary Morris, teacher	500 00
F. J. McAnana, teacher	500 00
Ellen Beveans, assistant	300 00
Vincent Fiarbrother, tailor	300 00
Michael Murphy, basket maker	300 00
Wm. A. Nugent, tinsmith	300 00
Wm. Turbid, shoemaker	300 00
Eliza Mahoney, attendant	192 00
Sarah J. Smith, seamstress	192 00
Mary J. Lamb, seamstress	192 00

James Whelan, carpenter	$144 00
Geo. F. Coachman, attendant	120 00
Martin Vogt, matmaker	120 00
John Anthony, matmaker	60 00
Edward Sutton, gardener	60 00
	$8,130 00

Pay-roll of branch work-house, Hart's island.

Wm. R. Stocking, warden	$1,500 00
John Rapp, keeper	725 00
Michael D. Rohan, keeper	700 00
Patrick E. Gallery, foreman	675 00
Joseph McQuade, rockman	675 00
Frederick Bartels, deputy keeper	600 00
William P. M. Gilbert, teacher	600 00
William Harte, gatekeeper	600 00
William Kelly, painter	550 00
William Moore, guard	550 00
John B. DeWolff, chaplain	450 00
Chas. A. Wennan, chaplain	450 00
Frank Killien, fireman electric light	360 00
Thomas Rodgers, laborer	360 00
Mary A. Barrett, laundress	300 00
Albert Salter, laborer	300 00
Geo. Lester, orderly	240 00
Cornelius Reilly, cook	240 00
James F. Salman, carpenter	240 00
William F. Chatterlon, fireman	180 00
John Donohue, baker	180 00
Otto Freeman, driver	180 00
Henry S. Harrison, skilled laborer	180 00
Henry Marx, shoemaker	120 00
	$10,955 00

Pay-roll of infant's hospital, Randall's island.

Thomas F. Brady, engineer	$900 00
William F. Greene, physician to F. O. C.	600 00
Edward Burke, apothecary	500 00
James Walter, watchman	500 00
Mary S. Gilmour, supervising nurse and housekeeper	500 00
Daniel Sullivan, cook	360 09
Charles Cody, fireman	300 00
Twenty nurses, at $240	4,800 00

Patrick Garvey, orderly	$240 00
Mary Rowan, nurse	192 00
Annie Wall, laundress	192 00
Annie Barrett, nurse	180 00
Michael Curry, cow stableman	180 00
Ellen Trevor, assistant nurse	120 00
James Davidson, stableman	60 00
	$9,624 00

Pay-roll of New York city asylum for insane, Blackwell's island.

Emmet C. Dent, medical superintendent	$2,000 00
Howell Tyler, assistant medical superintendent	1,200 00
Wm. H. H. Wallace, first assistant physician	1,000 00
Alex. J. Primrose, second assistant physician	900 00
Geo. W. Kunz, third assistant physician	800 00
Augusta A. Steadman, fourth assistant physician	700 00
Chas. C. Browning, fifth assistant physician	600 00
Chas. M. Lee, sixth assistant physician	500 00
Walter R. Ashe, seventh assistant physician	400 00
William S. Moore, junior assistant physician	300 00
John H. Fuchsius, junior assistant physician	300 00
Lyman A. Cheney, junior assistant physician	300 00
Robert M. Lovvorn, junior assistant physician	300 00
Alice M. Farnham, junior assistant physician	300 00
William F. Lippitt, junior assistant physician	300 00
William Joralemon, steward	900 00
John Reid, engineer	900 00
Duncan Stewart, cook	750 00
Peter Coyne, carpenter	750 00
William Bergen, night watchman	525 00
Margaret A. Brennan, supervisor	500 00
Bridget McDonald, supervisor	500 00
Joseph Hermmerle, cook	500 00
Alfred Blewitt, chaplain	450 00
Patrick F. Devine, attendant	400 00
John F. Hines, fireman	400 00
Joseph McCartney, gardner	400 00
James J. Barrett, attendant	360 00
William F. Brennan, attendant	360 00
Thomas J. Dooley, attendant	360 00
James H. Flynn, fireman	360 00
Hiram Furnan, fireman	360 00
John Grattan, fireman	360 00

Daniel Grogan, fireman	$360 00
James J. McMahon, fireman	360 00
William Hilditch, attendant	360 00
John Maher, attendent	360 00
John O. Kane, attendant	360 00
Thomas Spencer, attendant	360 00
James McDonald, attendant	360 00
John F. Kine, apothecary	360 00
Ann Jane Browne, supervisor	300 00
Mary A. Blaney, supervisor	300 00
Mary Carroll, supervisor	300 00
Madalena Del Balzo, supervisor	300 00
Christina Kroener, supervisor	300 00
Maggie Maxin, supervisor	300 00
John Cleary, attendant	300 00
Catharine E. Dagney, attendant	300 00
Michael Murphy, attendant	300 00
Bridget Ryan, attendant	300 00
Sixty-five attendants, at $240 each	15,600 00
Katie A. Glynn, conductress	240 00
Emily Glynn, laundress	240 00
James McLaughlin, assistant night watchman	240 00
John J. Norton, gateman	240 00
One hundred and fourteen attendants, $216 each	24,624 00
John W. Flynn, attendant	200 00
William O. Reilly, attendant	200 00
Eliza Ryan, domestic	192 00
Isabella MacKenzie, domestic	168 00
John Gannon, boatman	60 00
James W. Horton, messenger	60 00
Samuel O'Donohue, messenger	60 90
Frank J. Thompson, messenger	60 00
	$67,099 00

New York city asylum for the insane, Ward's island.

A. E. McDonald, general superintendent	$3,500 00
Wm. Austin Macy, medical superintendent	2,000 00
L. C. Adamson, assistant superintendent	1,200 00
Archibald Campbell, assistant physician	1,100 00
Louis C. Pettit, assistant physician	1,000 00
J. P. Thornley, assistant physician	900 00
Horace P. Taylor, assistant physician	800 00
H. L. Stebbins, assistant physician	700 00

Dwight S. Spellman, assistant physician	$600 00
Wilfred P. Byrnes, assistant physician	500 00
Hiram Elliott, assistant physician	400 00
Charles F. Applegate, assistant physician	300 00
Marton B. Heyman, assistant physician	300 00
Henry P. Frost, assistant physician	300 00
Ashley Scovel, assistant physician	300 00
Hugh McKay, assistant physician	300 00
Herman A. Ritcher, assistant physician	300 00
John McCann, assistant physician	300 00
Thomas Carroll, engineer	1,000 00
Theodore Mayer, cook	750 00
Herman Rickart, baker	700 00
William Lowe, gasman	600 00
James P. Mahon, assistant engineer	600 00
Joseph Carroll, fireman	540 00
James Keegan, assistant cook	500 00
Thomas J. Keenan, apothecary	500 00
John Brady, steamfitter	480 00
James Drum, attendant	480 00
Timothy Dooley, attendant	480 00
Edward J. Murray, attendant	480 00
Peter MacIntyre, attendant	480 00
Michael Nagel, attendant	480 00
Silas Pearsall, supervisor	480 00
Charles Petitdemange, chaplain	450 00
Twenty-one attendants, at $420 each	8,820 00
Owen Finnegan, fireman	360 00
Charles Fisher, fireman	360 00
Patrick Murphy, fireman	360 00
Robert J. McFarlane, fireman	360 00
Joseph Whiteworth, fireman	360 00
John Moore, night boatman	360 00
Ellen Rinn, housekeeper	360 00
Ellen Murphy, cook	216 00
Nellie O'Sullivan, domestic	180 00
Nora Deer, domestic	144 00
Elizabeth Doran, domestic	120 00
William H. Williams, barber	120 00
Robert W. England, messenger	60 00
Arthur Lockwood, messenger	60 00
Stephen Morrissey, fireman	360 00
Seventy-six attendants, at $300 per annum	27,360 00

Ninety attendants, at $300 per annum	$27,000 00
Four attendants, at $336 per annum	1,344 00
Five attendants, at $276 per annum	1,380 00
	$93,484 00

Pay-roll New York city asylum for the insane, Hart's island.

And. Egan, medical superintendent	$2,000 00
Geo. A. Smith, assistant medical superintendent	1,000 00
John A. Leader, assistant physician	900 00
Joseph T. Kelly, assistant physician	800 00
Chas. F Applegate, assistant physician	700 00
John Illingworth, engineer	750 00
Mary McGee, matron	500 00
Herman Homann, assistant apothecary	400 00
Eliza McCloskey, supervisor	360 00
Hugh Brennan, plasterer	240 00
James Flanagan, fireman	360 00
James E. Byrnes, cook	700 00
Chas. Pattison, tinsmith	360 00
Maria Dorlon, domestic	180 00
Thos. Dwyer, skilled mechanic	900 00
Rudolph Freund, painter	240 00
Thos. Brennan, steamfitter	480 00
Chas. Holyook, cook	450 00
Chas. Billar, boatman	240 00
Forty-six attendants, at $216 per annum	1,936 00
Forty-six attendants, at $240 per annum	11,040 00
Four attendants, at $264 per annum	1,056 00
Ten attendants, at $300 per annum	3,000 00
Nine attendance, at $360 per annum	3,240 00
Four attendance, at $420 per annum	1,680 00
	$41,512 00

Pay-roll of New York city asylum for the insane, Central Islip.

H. C. Evarts, physician	$1,200 00
J. T. W. Rowe, physician	1,000 00
Geo. O. Caldwell, physician	850 00
Rev. James Stoddard, clergyman	400 00
John H. Marshall, skilled laborer	1,000 00
James Conway, engineer	750 00
John Shannahan, stableman	780 00
Chas. W. Beach, stableman	600 00

Chas. Herzog, cook	$720 00
Edward Kovilla, cook	400 00
John Dow, gardener	720 00
Platt R. Hubbs, farmer	1,000 00
James P. Nohilly, farmer	540 00
Thos. Miller, baker	600 00
Patrick Conway, fireman	500 00
Wm. Nevin, fireman	500 00
Sixteen attendants, at $300 per annum	4,800 00
Six attendants, at $336 per annum	2,016 00
Thirteen attendants, at $360 per annum	4,680 00
Ten attendants, at $420 per annum	4,200 00
One attendant, at $480 per annum	480 00
Two attendants, at $540 per annum	1,080 00
One attendant, at $600 per annum	600 00
Ann Fitzpatrick, domestic, $192 per annum	192 00
Jennie Kennedy, domestic, $168 per annum	168 00
Maggie McCollum, domestic, $168 per annum	168 00
Mary A. Brennan, domestic, $144 per annum	144 00
Chas. E. Pearce, messenger, sixty dollars per annum	60 00
Jesse Oliver, messenger, sixty dollars per annum	60 00
	$30,208 00

Pay-roll of male training school for nurses, Bellevue hospital.

A. J. Willard, superintendent	$600 00
J. T. Bryant, janitress	400 00
Clara C. Horrigan, instructing nurse	360 00
Annie Rhodes, instructing nurse	360 00
Helen M. Warner, instructing nurse	360 00
Maggie Brennan, chambermaid	180 00
Kate Barnett, cook	300 00
Ellen Cullinan, waitress	180 00
Thos. Ellis, firemen	300 00
Minnie Gordon, kitchen maid	144 00
Nellie Gaynor, chambermaid	180 00
Sallie Mulligan, waitress	180 00
Maggie McKoen, waitress	180 00
Maggie Maher, laundress	240 00
Mary Quinn, chambermaid	180 00
Annie Walsh, laundress	240 00
Henry S. Young, male servant	240 00
Nine nurses at $144 each per annum	1,296 00
	$5,920 00

EXHIBIT No. 3 — December 30, 1890.

Department of Public Charities and Correction.

Comparative table of appropriations and expenditures.

YEAR.	Appropriations.	Expenditures.	Returned to general fund.	Unexpended balance.
1885	$1,598,174 68	$1,586,824 41	$7,484 50	$3,864 77
1886	1,552,300 00	1,546,606 04	5,693 96	.....
1887	1,553,000 00	1,547,213 82	3,980 10	1,806 08
1888	2,343,372 00	2,283,082 43	10,725 14	49,564 33
1889	2,197,050 00	2,097,751 73	2,621 93	96,676 34
1890, to December 1st	1,949,100 00	1,624,488 74	.....	324,611 26

The details of the above expenditures will be found in Exhibit 1, hereto annexed.

Note.—It appears from the books of this department that a donation of $7,658.74 has been received in the year 1890, for the "Strecker Memorial Charity Hospital," of which sum $225.50 has been expended, leaving a balance on hand of $7,433.24.

The appropriation asked for 1891, is as follows:

Salaries	$648,170 00
Supplies	1,431,185 00
Alterations and additions and repairs to buildings and apparatus	70,000 00
Distribution of coal to outdoor poor	20,000 00
Poor adult blind	20,000 00
Transportation of paupers, medicines, coffins, and support of outdoor poor	10,000 00
Transportation, maintenance and expenses of insane criminals at Auburn, N. Y., and in other State institutions (chapter 289, Laws of 1884, and chapter 410, section 296, Laws of 1882)	500 00
Donations to discharged prisoners (chapter 471, Laws of 1879 — the sum paid out under this statute is refunded by the State)	2,500 00
Construction of new building, including rent for Ward's island emigration buildings and Fordham hospital	913,350 00
Total	$3,115,705 00

COMPARATIVE TABLE SHOWING THE CENSUS OF THE VARIOUS INSTITUTIONS IN CHARGE OF THE DEPARTMENT OF CHARITIES AND CORRECTION, FROM 1885 TO 1890.

	1884-5.	1885-6.	1886-7.	1887-8.	1888-9.	1889-90.
City prisons	393	599	625	625	437	366
District prisons	.....	.....	.....	.....	192	185
Bellevue and three reception hospitals	908	945	954	1,003	1,070	1,160
Charity hospital	1,116	1,060	1,019	1,012	1,050	1,088
Penitentiary	1,146	1,196	1,094	998	1,032	1,047
Alms-house	1,635	1,690	1,690	1,616	1,740	1,863
Incurable hospital	109	108	108	106	109	105
Work-house	1,400	1,369	1,451	1,405	1,384	1,182
Lunatic asylum	1,773	1,862	1,909	1,975	.....	.....
Homœopathic Hospital and Inebriate Asylum	653	618	630	647	596	586
New York City Asylum for the Insane	1,716	1,876	1,930	2,200	.....	.....
Randall's island hospital	1,048	1,056	1,062	1,059	1,156	1,140
Infant's hospital	446	426	369	400	368	378
Branch work-house	285	332	326	288	228	228
Branch lunatic asylum	582	590	641	1,200	.....	.....
Hart's island hospital	301	285	250	.....	.....	.....
New York City Asylum for the Insane, B. I.	.....	.....	.....	.....	1,949	1,673
New York City Asylum for the Insane, W. I.	.....	.....	.....	.....	2,162	1,713
New York City Asylum for the Insane, H. I.	.....	.....	.....	.....	1,194	1,300
New York City Asylum for the Insane, L. I.	.....	.....	.....	.....	300	400
Total	13,711	14,012	14,058	14,534	14,967	14,414

TABLE SHOWING THE AVERAGE COST PER DAY PER CAPITA FOR SUPPLIES IN THE SEVERAL INSTITUTIONS IN CHARGE OF THE DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION FROM 1886 TO 1890.

	1886-7.	1887-8.	1888-9.	1889-90.
City prisons	$0 1184	$0 1602	.....	.....
City prison (Tombs)	.....	.....	$0 1487	$0 16867
District prisons	.....	.....	2011	18235
Bellevue and three reception hospitals	3360	4038	.....	.....
Bellevue and three reception hospitals, and male training school	.....	.....	4133	45180
Charity hospital	2368	2619	2516	23676
Penitentiary	1473	1557	1600	15238
Alms-house	1020	1121	1294	12685
Incurable hospital	1374	1496	1686	18164
Work-house	1226	1260	1544	18202
Homœopathic hospital	1917	2090	2223	20066
Randall's Island hospital	1875	2300	2356	.....
Randall's Island hospital and schools	.....	.....	.....	24937
Infant's hospital	2415	2622	2864	27767
Hart's Island hospital	1773	.....	.....	.....
Branch work-house	1564	1673	2754	20882
Lunatic asylum, Blackwell's island	1529	1614	.....	.....
Insane asylum, Ward's island	1958	2070	.....	.....
Branch lunatic asylum, Hart's island	1856	1891	.....	.....
New York City Asylum for the Insane, Blackwell's island	.....	.....	1988	21475
New York City Asylum for the Insane, Ward's island	.....	.....	2451	26439
New York City Asylum for the Insane, Hart's island	.....	.....	2269	19213
New York City Asylum for the Insane, Long island	.....	.....	.....	26270
Averages	$0 1761	$0 1941	$0 2136	$0 22401

TABLE SHOWING THE COST PER DAY PER CAPITA FOR SUPPLIES AND SALARIES IN THE VARIOUS INSTITUTIONS IN THE CHARGE OF THE DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION, FROM 1886 TO 1890.

	1886-7.	1887-8.	1888-9.	1889-90.
City prisons	$0 3488	$0 3880	.....	.....
City prison (Tombs)	.....	.....	$0 3534	$0 41892
District prisons	.....	.....	5687	52387
Bellevue and three reception hospitals	4721	5243	.....	.....
Bellevue and three reception hospitals and male training school	.....	.....	5525	57106
Charity hospital	2909	3268	3249	30564
Penitentiary	2743	2902	3126	29187
Alms-house	1129	1239	1419	14121
Incurable hospital	1483	1607	1795	19393
Work-house	1527	1545	1908	22908
Homœopathic hospital	2347	2516	2708	24980
Randall's island hospital	2419	2884	3072	.....
Randall's island hospital and schools	.....	.....	.....	52878
Infant's hospital	2983	3046	3537	34647
Hart's island hospital	2172	.....	.....	.....
Branch work-house	2450	2535	4021	33973
Lunatic asylum, Blackwell's island	2086	2221	.....	.....
Insane asylum, Ward's island	2740	2895	.....	.....
Branch lunatic asylum, Hart's island	2403	2332	.....	.....
New York City Asylum for the Insane, Blackwell's island	.....	.....	2926	32259
New York City Asylum for the Insane, Ward's island	.....	.....	3614	40032
New York City Asylum for the Insane, Hart's island	.....	.....	3236	28665
New York City Asylum for the Insane, Long Island	.....	.....	.....	44816
Averages	$0 2435	$0 2647	$0 3082	$0 31948

TABLE SHOWING THE COST PER CAPITA PER DAY ON AMOUNTS ASKED FOR SALARIES AND SUPPLIES FOR 1891, IN THE INSTITUTIONS IN CHARGE OF THE DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

	Per capita cost per day on amount asked for supplies.	Per capita cost per day on amount asked for supplies and salaries.
City prison (Tombs)	$0 19714	$0 07663
District prisons	20999	64183
Bellevue, three reception hospitals and male training school	44773	58916
Charity hospital	24967	32713
Penitentiary	16236	33456
Alms-house	13022	13894
Incurable hospital	18799	20240
Work-house	17769	23237
Homœopathic hospital	22053	27129
Randall's island hospital and schools	25128	33373
Infant's hospital	29262	36691
Branch work-house	23043	37611
New York City Asylum for the Insane, Blackwell's island	29324	40255
New York City Asylum for the Insane, Ward's island	38503	51029
New York City Asylum for the Insane, Hart's island	25413	35908
New York City Asylum for the Insane, Long Island	30410	47801
Averages	$0 25474	$0 36062

DETAILS OF EXPENDITURES FROM JANUARY 1, 1885, TO DECEMBER 1, 1890.

	1885.	1886.	1887.	1888.	1889.	1890, to December 1.
Salaries	$383,966 76	$413,000 06	$422,678 45	$327,876 86	$334,208 53	$319,627 05
Salaries, lunatic asylum	.....	.....	.....	56,233 07	.....	.....
Salaries, insane asylum	.....	.....	.....	80,284 73	.....	.....
Salaries, branch lunatic asylum	.....	.....	.....	28,406 02	.....	.....
Salaries, male training school	.....	.....	.....	.....	10,356 59	9,478 79
Salaries, insane asylums on Blackwell's Island, Ward's island, Hart's island and Long island	.....	.....	.....	.....	203,490 30	194,142 88
Supplies	900,334 74	958,967 50	952,738 02	1,171,731 23	1,212,828 64	998,914 47
Alterations, additions and repairs to buildings and apparatus	49,782 08	49,997 54	49,986 54	59,028 72	59,810 18	33,656 24
Poor adult blind	19,988 00	19,773 00	19,480 00	20,000 00	19,980 00	19,915 00
Distribution of coal to outdoor poor	19,140 80	19,615 28	13,024 27	19,999 38	19,999 24	13,675 74
Transportation of paupers, coffins and medicines to outdoor poor	9,517 70	9,967 31	8,713 92	.....	.....	.....
Transportation, maintenance, etc., insane criminals	.....	1,639 30	100 18	.....	.....	.....
Transportation of paupers and support of outdoor poor	.....	.....	.....	8,761 07	7,378 83	.....
Transportation of paupers, coffins, medicines and support of outdoor poor	.....	.....	.....	.....	.....	5,699 39
Transportation of insane criminals	.....	.....	.....	312 63	122 12	67 87
Donations to discharged prisoners	2,000 00	4,000 00	3,000 00	1,500 00	2,000 00	1,000 00
Additional amount for lodge and iron railing, Bellevue hospital	8,620 50	.....	.....	.....	.....	.....
New bakery on Ward's island	4,999 70	.....	.....	.....	.....	.....
Reception house for passengers, insane, etc., Twenty-sixth street, East river	24,992 67	.....	.....	.....	.....	.....
Additional amount for addition to city prison	114,999 25	.....	.....	.....	.....	.....
Additional amount to complete retreat building, Blackwell's island	20,000 00	.....	.....	.....	.....	.....
Removing boilers from retreat building and setting same in boiler-house, etc	4,895 00	.....	.....	.....	.....	.....
New sewers, connections, etc., insane asylum building, Ward's island	17,499 47	.....	.....	.....	.....	.....
Thorough repairs to connecting sewers, Bellevue hospital	5,154 63	.....	.....	.....	.....	.....
Expense of training school for nurses at Charity hospital	297 43	300 00	299 50	.....	.....	.....
Completion of crib bulkhead, Hart's island	635 68	.....	.....	.....	.....	.....
Dead-house at Bellevue hospital	.....	9,865 80	.....	.....	.....	.....
One pavilion on Randall's island	.....	20,000 00	.....	.....	.....	.....
Additional amount for same	.....	.....	5,000 00	.....	.....	.....
Building to relieve present overcrowding in alms-house	.....	20,000 00	.....	.....	.....	.....
Additional amount for same	.....	.....	5,000 00	.....	.....	.....
One new boiler and service condenser for steamer Fidelity	.....	7,000 00	.....	.....	.....	.....
New building for general drug department	.....	12,490 25	.....	.....	.....	.....

Fixtures, implements, steam heating, etc., for general drug building			3,492 94			
New boiler at Homœopathic hospital			4,000 00			
Construction of buildings at Central Islip			59,700 00			
Two water-closet towers, Bellevue hospital				16,488 20		
Building for morgue, Bellevue hospital				9,996 00		
Furnishing the D. O. Mills' building				4,485 00		
Additional story, wash-house, Charity hospital				5,000 00		
One pavilion for maternity service, Charity hospital				19,226 95		
One passenger elevator, Charity hospital				2,966 25		
Building to relieve overcrowding, female alms-house				37,500 00		
Addition to main building, work-house				30,000 00		
Plant for same				9,451 20		
New buildings for attendants, lunatic asylum				24,792 25		
Bath-house and water connections, lunatic asylum				9,994 75		
Double oven, lunatic asylum				1,443 75		
Alterations to lodge, lunatic asylum				9,500 00		
New boiler, Homœopathic hospital				3,721 24		
Increased facilities for cooking, insane asylum, Ward's island				2,480 00		
Increased facilities for wash-house, insane asylum, Ward's island				1,995 00		
Steam launch for Randall's and Ward's Islands				4,000 00		
New building for attendants and workshop for insane, Ward's island				34,980 00		
Pavilion to relieve overcrowding idiot asylum, Randall's island				23,744 70		
New building for plant for kitchen, laundry, etc., Randall's island				17,971 50		
Addition to gas plant, Randall's island				3,876 80		
New boiler and engine for steam launch "Wm. H. Wickham."				2,381 95		
Rebuilding and completing steamer "Minnahanonck"				35,268 18		
Two-story pavilion for female insane, Hart's island				35,000 00		
New gas works or electric light, Hart's island				13,235 00		
Additional water supply, Hart's island				2,000 00		
Residence for medical superintendent, Hart's island				3,000 00		
Two hoisting machines, Hart's island				450 00		
Buildings and improvements, Central Islip				137,500 00		
Reconstruction of plumbing, city prison (Tombs)				7,000 00		
Renewal of portions of roofs, leaders, gutters, etc., Bellevue hospital					2,230 01	
Passenger elevator, Bellevue hospital					3,985 00	
Repairs and new machinery for wash-house, Bellevue hospital					3,500 00	
Additional amount for additional story to wash-house, Charity hospital					2,057 50	
Renewal of roofs at penitentiary					1,866 78	
Pavilion to relieve overcrowding at alms-house					23,010 40	
Additional amount for steam heating and plumbing for new pavilion, alms-house					2,000 00	

DETAILS OF EXPENDITURES FROM JANUARY 1, 1888, TO DECEMBER 1, 1890 — (*Concluded*).

	1885.	1886.	1887.	1888.	1889.	1890 to Dec. 1.
Water-closet and bath-room tower for retreat, insane asylum, Blackwell's island	.....	.....	.....	.....	$9,935 71	.....
Additional amount for alteration to lodge, insane asylum, Blackwell's island	.....	.....	.....	.....	7,495 75	.....
Repairs to nine pavilions, insane asylum, Blackwell's island	.....	.....	.....	.....	3,474 45	.....
Plumbing new buildings to accommodate attendants, insane asylum, Blackwell's island	.....	.....	.....	.....	1,372 50	.....
Necessary repairs to plumbing work, insane asylum, Blackwell's island	.....	.....	.....	.....	4,998 50	.....
Hospital pavilion including plumbing and heating, insane asylum, Ward's island	.....	.....	.....	.....	34,142 78	.....
Completion and repairs to plumbing and sewerage, insane asylum, Ward's island	.....	.....	.....	.....	3,750 89	.....
New boilers, etc., also plumbing, etc., attendant's new house, insane asylum, Ward's island	.....	.....	.....	.....	27,829 30	.....
Additional amount for plant, kitchen, laundry, etc., Randall's Island Hospital	.....	.....	.....	.....	7,000 00	.....
House for additional gas plant, Randall's island	.....	.....	.....	.....	682 50	.....
Reconstruction, new plumbing and heating for north or south hospital, Randall's island	.....	.....	.....	.....	8,368 50	.....
Necessary repairs and new apparatus for laundry, infant's hospital, Randall's island	.....	.....	.....	.....	2,887 50	.....
Dockage and coppering new steamboat	.....	.....	.....	.....	3,235 00	.....
Repairs to steamboat "Fidelity"	.....	.....	.....	.....	3,000 00	.....
One two-story building for female insane, Hart's island, additional amount	.....	.....	.....	.....	20,679 63	.....
New boiler and apparatus for heating four pavilions, and addition to boiler-house, Hart's island	.....	.....	.....	.....	8,447 22	.....
Additional amount for additional water supply, Hart's island	.....	.....	.....	.....	595 90	.....
Additional amount for residence for medical superintendent, Hart's island	.....	.....	.....	.....	1,966 20	.....
Cooking apparatus and roasting ovens, Hart's island	.....	.....	.....	.....	3,885 73	.....
Completion of the Central Islip buildings	.....	.....	.....	.....	24,929 34	.....
Reception hospital, north of One Hundred and Seventy-fifth street and west of Third avenue	.....	.....	.....	.....	250 21	.....
Rent for Ward's island emigration buildings, 1888-1889	.....	.....	.....	.....	10,000 00	.....
Rent for Ward's island emigration buildings	.....	.....	.....	.....	.....	$5,000 00
New roof on stables, Ward's island	.....	.....	.....	.....	.....	681 45
Steamboat repairs	.....	.....	.....	.....	.....	6,117 76
New ampitheater, Bellevue hospital	.....	.....	.....	.....	.....	9,881 46

Repairing roofs and pointing up walls of alms-house building	.....	.....	.....	.....	.....	713 92
Two two-story brick pavilions, insane asylum, Blackwell's island	.....	.....	.....	.....	.....	717 50
Electric system call bells, insane asylum, Blackwell's island	.....	.....	.....	.....	.....	497 34
Storehouse and dock, Randall's island	.....	.....	.....	.....	.....	453 38
House for medical home, Central Islip	.....	.....	.....	.....	.....	3,266 00
Machinery of the laundry, Central Islip	.....	.....	.....	.....	.....	997 50
Total	$1,586,824 41	$1,546,605 04	$1,547,213 82	$2,283,082 43	$2,097,751 73	$1,624,488 74

EXHIBIT No. 5 — DECEMBER 30, 1890.

DEPARTMENT PUBLIC CHARITIES AND CORRECTION.

Contracts 1890 — *Meats.*

Jan.	2.	D. P. Arnold, meats, 3,995,000 pounds at $7.53 per 100 pounds (for details see page 7)	$229,825 00

Fish.

	29.	David Thomas, fish (for details see page 7) ...	15,788 00

Condensed Milk.

	7.	H. Y. Canfield, condensed milk, 300,000 quarts:		
		Six months, at 18 cents	$27,000	
		Six months at 14 cents	21,000	
				48,000 00

Cow's Milk.

	17.	C. H. C. Beakes, cow's milk, 560,000 quarts, January, 3½ cents, February, March, April, July, August, September, 4 cents, May and June, 5 cents, October, 3⅜ cents, November and December, 3 cents.....	21,875 00

Poultry.

	2.	M. Engel, poultry, 92,100 pounds.....	7,649 00

Coal for outdoor poor.

	2.	Geo. W. Winant, 2,000 tons coal, $4.34	8,680 00
March		Geo. W. Winant, 1,000 tons coal, $4.65	4,650 00
Dec.	19.	Geo. W. Winant, 500 tons coal, $4.90	2,450 00
		Metropolitan Telegraph and Telephone Co ...	6,351 00

Whisky.

N. Millerd & Co.:

Jan	3.	4,000 gallons whisky at $1.53 (less 80 cents, for E. B.)	6,040 00

Groceries.

N. Millerd & Co.:

	3.	1,000 pounds candles, 10.38	$103 80
		2,000 pounds Maracaibo coffee, 23.20	464 00

Jan.	3.	800 pounds pepper, 14 cents	$112 00	
		5,000 pounds prunes (5,012), 3.38..	169 40	
		10 dozen salmon, $3.10 per dozen..	31 00	
		50 dozen chow chow, $2.99 per doz..	149 50	
		20 dozen gherkins, $2.99 per doz..	59 80	
		60 dozen Sea Foam, $2.40 per doz..	144 00	
		40 dozen bathbrick, 24 cts. per doz..	9 60	
Feb.	7.	1,200 pounds candles, 10.38	.....	
	24.	400 pounds whole pepper, 13.90 ...	55 60	
		6,000 pounds rice (6,213), 4.74	294 49	
		5,000 pounds tea (5,106), 11.95	610 17	
		2,300 gallons syrup (2,268), 20.10...	455 86	
		25 barrels sal soda (10,000), 97 cts.,	97 00	
				$1,513 12
Mar.	7.	2,000 pounds Rio coffee, 23.74....	$474 80	
		20 tubs lard, 5.44	65 28	
				540 08
	21.	1,500 pounds dried apples (1,511), 4.25	$64 22	
		500 pounds Maracaibo coffee, 27.19,	135 95	
		1,200 pounds prunes, 4.32.....	51 84	
		6,000 pounds rice (6,216), 4.74	294 64	
		50 dozen canned corn, 77 cents per dozen	38 50	
		40 dozen Sea Foam, 2.40 per doz...	96 00	
		40 dozen bathbrick, 26 cts. per doz.,	10 40	
				691 55
April	10.	2,000 pounds dried apples (2,077), 5.35	$111 12	
		500 pounds Maracaibo coffee, 27.48.	137 40	
		40 dozen canned peas, 1.28.....	51 20	
		40 dozen canned tomatoes ($39\frac{2}{12}$), 90 cents	35 77	
		24 dozen sapolio, 75 cents	18 00	
		6,000 pounds rice (66,216), 4.74....	294 64	
				648 13
	18.	1,500 pounds dried apples (1,599), 5.39	$86 19	
		4,600 pounds Rio coffee, 24.20....	1,113 20	
		1,200 pounds tea (1,219), 12.49.....	152 25	
		30 dozen chow chow, per doz. 3.02..	90 60	
				1,442 [illegible]

May	2.	500 pounds Maracaibo coffee, roasted, 27.40	$137 00	
		6,000 pounds rice (6,272), 4.90	307 33	
		1,200 gallons syrup (1,154), 22.91	264 39	
		20 dozen salmon, 3.10	62 00	
				$770 72
		Contract book is footed as $633.72, but there appears to be no reason for not including the $137.		
	16.	1,500 pounds dried apples (1,474), 5.37	$79 15	
		3,000 pounds Rio coffee, 23.47	704 10	
		500 pounds whole pepper, 12.94	64 70	
		2,500 pounds tea (2,523½), 12.74	321 50	
		800 pounds candles, 10.75	86 00	
				1,250 00
June	3.	1,000 pounds dried apples, 5.30	$53 00	
		24 dozen sapolio, 75 cents	18 00	
				71 00
	13.	1,500 pounds dried apples, 5.15	$77 25	
		1,000 pounds Maracaibo coffee, 26.88	268 08	
		50 dozen canned corn, 78 cents	39 00	
		40 dozen canned peaches, 2.28	91 20	
				476 25
	27.	1,600 pounds candles (1,610), 10.75.	$173 08	
		4,600 pounds Rio coffee, 25.25	1,161 50	
		500 pounds whole pepper, 12 cts.,	60 00	
				1,394 58
July	15.	1,500 pounds dried apples, 5.21	$78 15	
		12 dozen gherkins, 3.03	36 36	
		50 dozen Sea Foam, 2.65	132 50	
				247 01
July	25.	1,500 pounds dried apples (1,496), 5.43	$81 23	
		30 dozen chow chow, 3.03	90 65	
		6 dozen olive oil, 6.48	38 88	
				210 76
Aug.	8.	500 pounds whole pepper, 11.60		58 00
Sept.	18.	20 tubs lard (1,169), 5.70		66 63
Oct.	2.	500 pounds Maracaibo coffee, 25.40.	$127 00	
		600 pounds chiccory (659), 5.40	35 59	
		30 bushels peas (29 48/60), $1	29 80	
		2,800 pounds prunes (2,791), 6.61	184 48	
				376 87

Oct.	20.	300 pounds macaroni, 8.40		$25 20
Nov.	14.	200 pounds whole pepper, 10.33	$20 66	
		85 bushels beans (85$\frac{11}{62}$), 1.70	145 08	
				165 74

Butter and cheese.

H. Henneberger:

Jan.	3.	22,000 pounds butter (21,934), 14.48		3,176 04
Feb.	7.	10,200 pounds butter (10,161), 13.30		1,351 41
Mar.	7.	7,919 pounds butter (7,928), 12.60	$998 92	
		1,619 pounds cheese, 8.45	136 81	
				1,135 73
	21.	1,536 pounds cheese, 9 cents		138 24
April	5.	8,812 pounds butter, 14.85		1,308 59
May	9.	1,555 pounds cheese, 8.2		132 18
June	3.	1,643 pounds cheese, 8.48		139 33
	13.	8,521 pounds butter (8,527), 10.45		891 07
July	15.	8,533 pounds butter (8,459), 10.15	$858 58	
		800 pounds cheese (818), 8.25	67 49	
				926 07
Aug.	8.	8,500 pounds butter		.....

Groceries.

Thurber, Whyland & Co., 1890:

Jan.	14.	20,000 pounds Rio coffee, 20.36		4,062 23
		16,000 pounds oatmeal, 2.40		381 82
		24,000 pounds rice, 4.29		1,020 60
		1,600 pounds laundry starch, 2.59		41 44
Feb.	24.	2,000 pounds wheat and grits, 2.33,	$45 90	
		4,000 pounds oatmeal, 2.45	99 20	
		800 pounds laundry starch, 2.59	20 72	
				165 82
Mar.	21.	4,000 pounds oatmeal, 2.29		91 60
April	5.	4,600 pounds Rio coffee, 23.71	$1,090 66	
		4,000 pounds oatmeal, 2.19	87 60	
		16,000 pounds brown sugar, 4.67	745 71	
		1,200 pounds laundry starch, 2.69	32 28	
				1,956 25
June	3.	4,600 pounds Rio coffee, 23.98	$1,103 08	
		16,000 pounds brown sugar, 4.73	755 38	
		1,200 gallons syrup, 24.72	301 34	
				2,159 80

June 13.	2,000 pounds granulated sugar, 6.71		$132 19
27.	16,000 pounds brown sugar (15,876) 4.78	$758 57	
	2,500 pounds coffee (2,398), 5.36....	128 53	
	1,200 gallons syrup (1,209), 23.71....	286 66	
			1,174 06
Sept. 4.	2,400 pounds barley (2,450), 3.36...	$82 32	
	6,500 pounds rice (6,497), 5.77....	374 87	
	7,500 pounds brown sugar (7,557), 5.17	390 70	
	2,000 pounds coffee (2,047), 5.36....	109 72	
	1,200 pounds cut loaf sugar (1,236), 6.80	84 05	
	200 pounds granulated sugar (2,089) 6.34	132 44	
	600 gallons syrup (633), 30.46	192 81	
			1,366 91
18.	1,200 pounds cut loaf sugar (1,282), 7.04	$90 25	
	1,200 pounds granulated sugar (1,348), 6.61	89 10	
			179 35
Oct. 2.	18,000 pounds brown sugar (18,225), 5.45.....		993 26
20.	6,800 pounds oatmeal, 2.91.....	$197 88	
	15,000 pounds brown sugar (14,821), 5.60	829 98	
	2,100 pounds coffee (2,011), 5.79....	116 44	
	1,000 pounds cut loaf sugar (1,025), 7.05	72 26	
	1,700 pounds granulated sugar (1,998) 6.62.....	132 27	
	2,000 pounds tea (1891), 15.97.....	301 99	
	1,100 gallons syrup (10,752), 24.68	265 43	
			1,916 25
31.	16,000 pounds brown sugar (15,734), 5.52	$868 51	
	600 pounds laundry starch, 4.13....	24 78	
	1,050 pounds tea (993), 15.49.....	153 82	
	1,100 gallons syrup (1,060), 23.43....	248 36	
			1,295 47
Nov. 23.	600 pounds rice, 5.82	.....	
	600 pounds laundry starch, 4.63....	.....	

Dec.	12.	4,600 pounds Rio coffee, 22.91....	.....	
		3,100 pounds hominy, 1.81	.....	
		2,500 pounds rice, 5.69	.....	
		7,000 pounds brown sugar, 5.11....	.....	
		2,000 pounds tea, 14.39	.....	
May	2.	4,000 pounds oatmeal, 2.08		$83 20
July	15.	4,600 pounds Rio coffee, 25.66....	$1,180 36	
		16,000 pounds brown sugar (15,972), 4.76	760 27	
		2,000 pounds Rio coffee (2,094), 5.48	114 75	
		1,000 pounds cut loaf sugar (994), 6.86	68 19	
		2,000 pounds granulated sugar, 6.27	125 40	
		1,200 gallons —— (1,208), 23.90....	288 71	
				2,537 68
	25.	6,500 pounds rice (6,163), 5.60....	$345 13	
		13,000 pounds brown sugar (13,126), 4.60	603 79	
		1,000 pounds cut loaf sugar, 6.74 ..	67 40	
		2,000 pounds granulated sugar (2,109), 6.11	128 86	
				1,145 18
Aug.	8.	16,000 pounds brown sugar (15,940), 4.72	$752 37	
		1,600 pounds cut loaf (1,751), 6.34,	111 01	
		1,200 gallons syrup (1,228), 26.46..	324 93	
				1,188 31
	21.	2,400 pounds barley (2,450), 3.39...	$83 06	
		4,600 pounds coffee, 25.19	1,158 74	
		1,000 pounds maccaroni, 7.04.....	70 40	
		16,000 pounds brown sugar (15,937), 4.96	790 48	
		2,500 pounds coffee (2,323), 5.30 ...	123 12	
		1,600 pounds cut loaf (1,546), 6.74,	104 20	
		2,000 pounds granulated (2,035), $6.17.....	125 61	
		600 pounds corn starch 5.44	32 64	
				2,488 26

Coal.

David B. Duncan:

Feb.	19.	20,000 tons coal at $3.69, delivered along side (2,240 pounds per ton).....	73,800 00

	Wm. D. Bruns:		
Feb. 14.	530 tons grate coal, per $4.70.....	$2,491 00	
	610 tons egg coal, per $4.90.....	2,989 00	
	50 tons stove coal, per $5.....	250 00	
	10 tons nut coal, per $5	50 00	
			$5,780 00

Flour contracts, 1890.

	Geo. Hollister:		
Jan. 9.	2,000 barrels, No. 2, $4.29 (less 15 cents for E. B.).....		8,280 00
April 25.	2,000 barrels, No. 2, $3.93 (less 13 cents for E. B.).....		7,600 00
July 1.	2,000 barrels, No. 2, $3.91 (less 13 cents for E. B.).....		7,560 00
	Thurber, Whyland & Co.:		
Jan. 9.	2,000 barrels, No. 1, $4.77 (less 13 cents for E. B.)		9,280 00
May 5.	1,000 barrels, No. 1, $4.41 (less 12 cents for E. B.).....		4,290 00
Sep. 24.	1,000 barrels, No. 1, $5.12; 1,000 barrels, No. 2, $4.84 (less 12 cents for E. B.)		9,720 00
Oct. 27.	2,000 barrels, No. 2, $4.89 (less 13 cents for E. B.)..... ...		9,520 00
	Thomas E. McCarthy:		
Mch. 11.	2,000 barrels, No. 1, $4.34.....	$8,680 00	
	2,000 barrels, No. 2, $3.80.....	7,780 00	
		$16,460 00	
	Less 15 cents for E. B.	600 00	
			15,860 00
April 7.	1,000 barrels, No. 1, $4.39 (less 10 cents for E. B.).....		4,259 25
June 13.	2,000 barrels, No. 1, $4.49 (less 10 cents for E. B.)		8,767 90
Aug. 21.	1,000 barrels, No. 1, $5.67; 1,000 barrels, No. 2, $5.37 (less 10 cents for E. B.)		10,816 40
Oct. 20.	2,000 barrels, No. 1, $5.19 (less 12 cents for E. B.).....		10,129 31
Dec. 24.	1,000 barrels, No. 1, $4.97; 1,000 barrels, No. 2, $4.68 (less 13 cents for E. B.)		.....

Contracts, 1890 — *Meats.*

David P. Arnold:

Jan.	7.	2,400,000 pounds chucks, 4½ cents	$108,000 00
		65,000 pounds extra diet, 8 cents	5,200 00
		500,000 pounds mutton pieces, 4½ cents	22,500 00
		125,000 pounds roast beef, 10 cents	12,500 00
		470,000 pounds roast beef, 9½ cents	44,650 00
		65,000 pounds steaks, 10 cents	6,500 00
		70,000 pounds corned beef, 8 cents	5,600 00
		100,000 pounds mutton, 11 cents	11,000 00
		15,000 pounds pork, 12 cents	1,800 00
		50,000 pounds veal, 12 cents	6,000 00
		135,000 pounds stew beef, 4½ cents	6,075 00
		3,995,000	

Fish.

David Thomas:

29.	385,000 pounds common fish, 2.67	$10,279 50
	19,000 pounds steak cod, 4 cents	760 00
	7,000 pounds blue fish, 5 cents	350 00
	600 pounds black fish, 3 cents	18 00
	400 pounds fresh mackerel, No. 1, 8 cents,	32 00
	14,000 pounds halibut, 10 cents	1,400 00
	4,000 pounds shad, 10 cents	400 00
	500 pounds smelts, 4 cents	20 00
	13,000 pounds salmon front, 10 cents	1,300 00
	100 pounds flounders, 1 cent	1 00
	2,000 pounds white fish, 10 cents	200 00
	2,000 pounds haddock, 3 cents	60 00
	700 pounds sea bass, 7 cents	48 00
	1,700 pounds lobster, 9 cents	153 00
	50,000 hard clams, $4.50 per 1,000	22 00
	1,000 soft clams, $2 per 1,000	2 00
	11,000 box oysters, $8.50 per 1,000	93 50
	90,000 culls, $4.50 per 1,000	405 00
	200 quarts scallops, 20 cents per quart	40 00
		$15,788 00

FRIDAY, *January* 23, 1891.

Present — Senators Fassett, Stewart and Ahearn.

Mr. BOARDMAN.— I think it will tend to make this investigation of the dock department shorter if I briefly state, before examining any witnesses, what the object of the investigation is.

Senator FASSETT.— That is what you propose to show if you can?

Mr. BOARDMAN.— What the scope of the investigation is to be, rather than what the testimony will be. Prior to the year 1870, private owners of wharf stood in the same general relation to the law that the city stood in as a proprietor of wharf preperty. Under the ancient charters the city acquired all water rights about the city, except where the crown had made grants to private individuals. Those grants were not at all numerous and that feature can be eliminated. Practically all the water front of the city once belonged to the city under these ancient charters. It became desirable at an early period that exterior streets should be constructed around the city — South street and West street, and that wharves and piers should be built in accordance with a certain plan. That was about 1798 that the subject first came up. At that time it was not considered by most people a profitable operation to pay the money necessary to make the improvement, make the streets, fill in and build the bulk-heads or the piers, at their own expense. The city secured the passage of an act in 1798, which amounted in substance to this: That the city could compel private wharf owners to improve their property in accordance with the plan adopted by the city authorities, and if within a certain length of time the private owners did not comply with the directions of the city in that regard that then the city could make these improvements and charge the expense upon the property, just as the charge for making a street is imposed upon property. That was the only way that they ever got these exterior streets built. Then the city, after the passage of this act, adopted this general policy; they made water grants to the adjacent owners, as an inducement to them to build these streets, and these grants contained provisions that the private owners, when required to do so by the city, should make these streets and do the necessary filling in, build the bulk-heads, and then that they should own this property in fee simple; and that general policy continued until the year 1870. At that time the city had considerable water front property of its own; it had a large number of piers — more piers than bulk-heads — but a large number of piers, and most of the bulk-heads in the city were the property of private owners under the general policy under the act of 1798. These piers were constructed in all sorts of ways. Sometimes the city would build a pier from the end of

a street, or, as in these grants, the streets were excepted out of the grants, and the city would own the pier at the end of the street. Then a pier would be built somewhere else than at the end of a street, opposite somebody elses property. That pier would very frequently be built in part by the city and in part by the private owner, and then the city and the private owner would be tenants in common in the pier to the extent that each had participated in its erection. Now, in 1870 the policy of the law was radically changed. At that time the dock department was created by act of the Legislature.

Senator FASSETT.—Was that the first time that the city had a separate department in charge of the water front?

Mr. BOARDMAN.—That was the first time.

Senator FASSETT.—Did the common council and the mayor carry on the business prior to that?

Mr. BOARDMAN.—Yes, sir; but I think the docks were treated just the same as any other property of the city; the mayor, aldermen and commonalty had control and the resolutions would be passed by the common council and approved by the mayor; the street commissioner, I believe, would assume certain jurisdiction about the matter, and then, of course, there were the harbor masters, who, to a certain extent, performed functions which have since been intrusted to the department of docks.

Senator FASSETT.—Those functions, you mean, were temporary?

Mr. BOARDMAN.—Yes, sir; they were performed temporarily; in 1870 the Legislature created the department of docks, and it is only necessary to read that statute to see how radical the change was which they intended to effect; the theory of that law is that the city shall, sooner or later, acquire all the water front of the city then belonging to private owners.

Senator FASSETT.—This is the Tweed legislation that you are now referring to.

Mr. BOARDMAN.—That is the legislation commonly known as the Tweed legislation in reference to the docks; that statute provides in substance this: That these dock commissioners shall prepare a plan which shall extend all the way around the city, for a permanent improvement of the water front; a plan providing for such exterior streets as the dock commissioners might think were required, and for such piers, and at such locations, and of such widths as were in their judgment necessary, generally a comprehensive [illegible] the improvement of the water front, so as to [illegible] to permit a growing commerce here to thrive. [illegible] has been prepared by the dock commissioners [illegible]

to the commissioners of the sinking fund, who are to approve or disapprove of it, and when it is approved by the commissioners of the sinking fund — who, of course, were then and are still the leading and most prominent officials of the city — it was to be the plan for the permanent improvement of the water front. And I want to get into your minds just at this point a very important consideration. The act goes on to say that after that there shall not be anything done on the water front except in accordance with that plan.

Senator FASSETT.— After the plan has once been adopted, that ends all other improvements of any kind?

Mr. BOARDMAN.—It not only ends legally all other improvements, but it also prevents, in my opinion, anything like work being done on the water front unless it is done in accordance with that plan, even for temporary purposes; and that has been one of the embarrassments of the dock department. It is a question whether it is not illegal now under the law to rebuild a dock that has been broken down unless it is rebuilt under the new plan, because it says that after the adoption of the plan there shall not be any improvements except in accordance with the plan; and, of course, a pier which is not shown on the new plan — where that breaks down and has to be repaired, or a new pier has to be put there, you are offending against the policy of the Legislature if you spend a lot of money to put a new pier there unless that new pier is shown on the plan. Then, of course, to carry out this general plan it became necessary to give to somebody the power to condemn, to acquire by purchase or by condemnation proceedings whatever private rights it was necessary to extinguish in order to carry out the plan; and, as I say, the act contemplated the acquisition by the city of all water front from the highest point on the Hudson river to the highest point on the East river, and all the way around. And then it contemplated the control of this property by the department of docks for the benefit of the city. The city sought to put itself back in the same position that it would have been in if it had never made any grants by either purchasing or acquiring by condemnation proceedings all the private rights of individuals. A very comprehensive plan was adopted shortly after the passage of the act of 1871. The original act was in 1870, and it was amended somewhat in 1871, and then the plan was adopted, and it was a very comprehensive plan. It was prepared, I think, by General George B. McClelland. It provided, in substance, for an exterior street 250 feet wide along the Hudson river. My impression is that the street should extend also the same width along the East river. Is that so, Mr. Post?

Mr. Post.—Two hundred feet along the East river.

Mr. Boardman.—Two hundred feet along the East river, and 250 feet wide along the Hudson river. The width of the street at present, except where it has been widened by the plan is how much?

Mr. Post.—Seventy feet.

Mr. Boardman.—West street at present is seventy feet wide, so you can see that it makes a decided improvement to widen it to 250 feet and one of the features embodied in the plan was that it was thought that it would relieve the traffic on West street and South street if those street could be made so much wider and give better facilities for hauling goods, and so forth. Now, there is another feature that I want to get into your minds just at this point, and that is the relation of the widening of that street to the question of sheds. That is one of the questions that will undoubtedly come up in the Legislature in some form — what relation the widening of that street has to the construction of sheds upon all parts of it; whether it must all be considered or whether it is proper for the dock department, in its discretion, to make a provision as to how high or to what lengths these sheds may be constructed upon a part of that street for the protection of merchandise when being taken from trucks and put aboard ships. Now, I say this comprehensive plan was adopted in 1871, and it was thought that our docks would soon belong to the city, that the city officials would proceed either to purchase them or acquire them by condemnation, and that we would have to create a city department, appointed as these commissioners are, by the mayor and in accordance with the act of 1870 and 1871; but difficulties commenced just as soon as the statute became a law, which have existed ever since, which are admitted by everybody, which are admitted by the dock commissioners themselves, and by every dock commissioner who has ever been in office since the act came along, and they are of a very serious character; and the real purpose of this investigation is that this committee may present to this Legislature a fair statement of the existing condition of things, which are very serious, and which is admitted by everybody to be very much to the disadvantage of the city, and that such new legislation should be passed, such new act passed, as may, under all the circumstances, be deemed best in the public interests, after all the facts which bear on the matter in the particular proposition, are sp out upon our record, and in that shape presented to the Legislat and, of course, as the legislators are very busy men, and as they h other things besides docks to think of, I intend to try and make particular part of the investigation just as brief as possible, only ex

ining those who really understand the subject, and with a view of getting a record that somebody in Albany will read when the question of new legislation comes up; now, I have suggested one difficulty to the committee already, namely, that there really is not any law under which a new pier can be put in place of an old pier.

Senator FASSETT.— Unless it conforms with the plan?

Mr. BOARDMAN.— Unless it conforms with the plan, and is shown on the plan, and it is not shown on the plan in nine cases out of ten; now, I am coming to these difficulties, to show just what was done, and to lay before you an historical statement of the operations of the department; the first difficulty that the dock department struck was this; the department was advised by the corporation counsel — who was confirmed in his opinion by that of Mr. Charles O'Conor — that these private owners have no rights which the city was bound to pay for; the position taken by the legal advisers of the city was that it was a mere accidental and unimportant circumstance that a wharf happened to be adjacent to navigable water, and that if the city chose to fill out beyond the wharf, and put solid filling between the water and the wharf, that the circumstance, that that absolutely destroyed the earning power of the wharf, was of no consequence, and that it could be done by the city without compensating the private owners, and, therefore, it was not proper for the city to either purchase or condemn the private rights of anybody; that, of course, put a stop to anything like purchase or condemnation until the question was judicially determined; that question came before the courts in the case of Langdon against The Mayor, and it was decided, first by Mr. Justice Van Brunt, that the city's position was right, and that it was not necessary to pay anybody; that decision was reversed by the General Term, and was very properly, as I concede, taken to the Court of Appeals by the city, to be finally determined there; it was determined in the Court of Appeals — I don't remember the date —

Mr. POST.— In 1883.

Mr. BOARDMAN.— It was settled in the Court of Appeals in 1883. So that between 1871 and 1883, there was really nothing at all done to carry out the plan. Is that correct, Mr. Post?

Mr. POST.— No; there were a number of piers built during that time under the new plan; I do not know how many.

Mr. GREENE.— I think there were ten or twelve built.

Mr. BOARDMAN.— There were, as Mr. Greene says, ten or twelve piers built in the thirteen years that elapsed before the decision of the Langdon case in the Court of Appeals. But this can be said that there was really very little done to carry out the new plan. Of course,

there was no property acquired or condemned, and the street was not widened. Am I right about that?

Mr. Post.—The bulk-heads were being built while this was in court.

Mr. Boardman.—Now, I would like to explain to the committee a little further. There was comparatively very little work done prior to the decision of the Court of Appeals in the Langdon case, and, in fact, very little done up to the present time. The Court of Appeals decided in the Langdon case that the city's position was wrong, and that the city had to pay for these water rights. Then the question came up as to how much they should pay, and then the dock commissioners were met in their efforts to acquire property with another opinion. Mr. Carter had by that time become special counsel for the city in these matters, and Mr. Carter still advises the dock department that they can not pay any owner of a pier anything for his pier; that, although the Court of Appeals has decided that the owner of a bulk-head has got to be compensated, that the owners of piers need not be, and that it is the duty of the city to acquire all these piers without paying anything for them.

Mr. Post.—Won't you state, Mr. Boardman, what the decision in the Langdon case was; whether it was in relation to a fee simple, or in relation to its being an incorporeal hereditament and not in fee simple.

Mr. Boardman.—Mr. Post suggests that I call that fact to the attention of the committee. The court held that all the owner had was the incorporeal right to collect wharfage at the bulk-head, and he must be paid what that was fairly and reasonably worth. No one doubts that the owner of every bulk-head has got to be paid something, and it is simply a question of the amount that he is to be paid for his rights. I understand that the dock department have been advised by the corporation counsel, who in turn has been advised by Mr. Carter, that there is no such thing as private ownership in a pier.

Senator Fassett.—Probably those opinions can be found on record somewhere.

Mr. Boardman.—Yes; and I have asked that that opinion shall be produced here. The dock commissioners do not consider themselves in a position to take proceedings under the act of 1871 to condemn anybody's property, and, as a matter of fact, they never have done it. I do not think there has been a single proceeding instituted to condemn anybody's property, and the amount of property which they have acquired during the past twenty years under the act of 1871 is very inconsiderable. I have a statement of it here. I think there

is only about $750,000, which has been expended altogether in the acquisition of property. Now, when you go to the dock department and talk about this thing, they tell you very frankly. We disapprove of this arrangement, of course; we would like to go ahead with the improvements; we have applications on hand and we would like to accommodate these people who need the piers very much; we admit that this matter is of the greatest importance; that we ought to be permitted to go on now; we admit it goes very slowly, but we can not help it, because our only alternative is to follow the advice of Mr. Carter, and his advice is that we go by night and seize somebody's pier and turn whoever is there out of possession; we do not intend to do that, it has got to be arranged in some other way than that; we are sorry for the delay, we do the best we can; we can not accommodate some people that we would like to very much, but we can not help it; it is the fault of somebody else. Then if you go to the corporation counsel's office, he says: It's a great pity, I would like to authorize proceedings, but Mr. Carter says that we would be paying something for nothing and we can not do that. Now, then, the whole question upon this branch of the case is this: What changes in legislation are required, whether the policy of the act of 1871 ought to be carried out and the city ultimately acquire all the water fronts, or whether the private owners ought to be permitted to improve their property in accordance with the existing plans and under the direction of the city? Which policy is the best, and, if the latter policy is the best, what safeguards ought to be incorporated in the bill for the protection of the city and to give the city a sort of governmental rather than proprietary control of such property as they do not own already?

There is one feature of the case which the committee must bear in mind, and that is, the constitutional limit of debts. I won't enlarge upon that, but you can see as the constitutional limit of debt has been very nearly reached in this city, it has an important bearing upon which is the best policy to be pursued by the Legislature.

Now, then, there are two other questions which have come before the Legislature already for consideration in various forms, and which will come up again, no doubt, and one is the question of shedding—The question of open piers and bulk-heads. The policy of the act of 1875, known as the shedding act, and the policy of these other acts that the committee must be familiar with, the acts introduced last year set apart every sixth year as an open pier. I would like to get upon the record here and incorporated in the report everything which makes for or against the shedding policy, and the reasons for it, and the reasons against taking away the discretion from the dock depart-

ment to control sheds and platforms. And that is the second branch of the investigation as I have laid it out.

And the third point that I wanted to bring sharply before the Legislature through the report of this committee, is this: No one who has not carefully studied and investigated the subject, realizes the importance of this shedding question. Apart entirely from the question whether there ought to be sheds or not, the question of the control of these sheds is a question which the Legislature ought to consider. As the law now stands, the dock department has absolute control over the sheds upon all these piers. The history of the law upon that point is briefly this: The Court of Appeals held that all of these sheds were illegal structures; that every pier ought to be an open pier. All that, as the mode of transacting business, has been entirely changed, and steamships have supplanted sailing vessels, and, therefore, it was absolutely necessary to have shedded piers and bulk-heads, and "necessity which knows no law," had simply covered the water fronts with these things before there was any authority for them at all, and then when the court held that there was no authority, the shed act was passed. That gave to the dock department absolute control over this matter, and that control is vested in the dock department to this day.

Now, one of the things which the Legislature will be called upon to consider, I think, is whether it is a good plan to leave that matter still absolutely in the control of the dock department; or, if not, what if anything, ought to be done? I am frank to say, that on that point I have no opinion to express. I do not know but that it is best to leave it in the control of the dock department, but it is a very important question. The dock department to-day, is the most powerful and influential department in the city government. In the hands of people who wanted to abuse their power, they have power here to create a cyclone of trouble, and to do no end of harm. I am not finding any fault with the way they have exercised that power in the past. I think they have not abused that power, but it is a question whether they ought to have the control and power that they have got. Here is Mr. Huntington, who pays for his pier, $70,000 a year to the city. I think that everybody will agree that if the dock department should take away the right from Mr. Huntington to have sheds upon his pier, the pier would not be worth $7,000 a year; and the dock department have a contract with Mr. Huntington for a number of years, and they have the power to control the shedding. Now, the question is, whether any department of the city government ought to have that power. That is one of the questions that the city ought to consider.

HENRY M. TATE, recalled:

By Mr. BOARDMAN:

Q. [Handing papers to witness.] Will you please take these various documents which have been prepared by you as an accountant, and describe them, so that they may be entered upon the record? A. I have here on exhibit, which is a comparative statement of the receipts and expenditures of the department of docks from May 1, 1870, to January 1, 1891; this shows the total gross revenue from leased wharves, wharfages, and so forth; the total annual expenditures audited; the expenditures for acquired property; the expenditures for construction, including salaries and pay-rolls; the expenditures for general repairs, pay-rolls, office expenses, incidentals and salaries; the excess of receipts over expenditures; the excess of expenditures over receipts, in such years as the expenditures exceeded the receipts and the excess of revenue over the amounts paid for general repairs and office expenses.

Q. This exhibit shows, does it not, that the total gross revenue of the dock department from its organization in May, 1870, to January 1, 1891, are $19,386,909.88, and that the total expenditures between the same dates are $17,302,027.88, leaving a surplus of receipts over disbursements of $2,084,882; I understand this includes revenues from all sources? A. Yes, sir; from wharves and piers.

Q. But not from ferry slips? A. Not from ferry slips.

[Paper referred to was marked Exhibit No. 1, of this date.]

The WITNESS.—I have also prepared a statement from the comptroller's report of July 1, 1890, showing the amounts collected by the finance department for rents of ferry slips from 1880 to 1889, inclusive.

Q. This amounts to $2,785,065.32? A. Yes, sir.

Q. This money, under the provisions of law, is pledged to the sinking fund and is collected by the sinking fund commissioners, is it not? A. Yes, sir; I think the law provides that it shall be paid into the sinking fund for the redemption of the city debt.

By Senator FASSETT:

Q. Is this revenue, the moneys that this department has had, placed to its credit for any use from any source whatever? A. The department expenses are paid from the issue of bonds; the moneys collected are turned over to the sinking fund.

Q. What does this statement of 19,000,000 mean? A. That means the revenue from rentals.

Q. Exclusively? A. Yes, sir.

Q. That is the collection from the water front itself? A. Yes, sir; from leased and unleased piers and wharves.

Q. Then does the item covering expenditures cover every possible expenditure for maintenance and repairs and new structures, sea walls, and so forth? A. So far as I know, it does.

Mr. POST.—Yes, sir; it does, and also the purchase of wharf property and also the erection of new piers.

Mr. BOARDMAN.—You say the department has been self-supporting, that is, that it has collected moneys enough out of these piers and bulk-heads by way of revenue to pay all its own expenses, including its construction expenses as well as its general operating expenses.

Senator STEWART.—And saved two millions of dollars?

Mr. BOARDMAN.—Yes, sir.

Q. Has it been self-supporting? A. Yes, sir; the revenues have paid for construction and for the acquisition of property and the expenses for repairs, and they have turned all the money into the city treasury, and the excess of the revenues over all expenses for carrying on the department is $2,084,000.

Q. These moneys have not been available for the uses of the department; they have been turned into the city treasury and then when the city wanted money for the expenses of the department it was obtained by the issue of bonds? A. Yes, sir.

Mr. BOARDMAN.—That is one of the things that we are going to explain later on; we don't know why those dock bonds have been issued; The revenues are turned over to the city treasury and credited to the sinking fund for the redemption of the city debt.

[The paper last referred to was marked Exhibit No. 2 of this date.]

The WITNESS.—I have also prepared a statement showing the annual issue of bonds on account of the dock department from May 1, 1870, to January 1, 1891, and the amount of interest thereon during the same period; these bonds are due thirty years from date of issue, and the total issue of bonds is $16,653,000, and the interest is $8,724,136.49.

Mr. BOARDMAN.—I would like to explain about this just at this point. I understand that the explanation of the fact that these dock bonds have been issued, is that, under the act of 1868, all revenues of the department are pledged as security for the [illegible] e-fore, the revenues are all turned in to the sin[illegible] ds issued. Isn't that so, Mr. Post?

Mr. POST.—Yes, sir.

Mr. BOARDMAN.—Do you turn in your net re[illegible] revenues?

Mr. POST.— Gross revenues. As fast as money is received it immediately goes into the sinking fund. Our expenses are audited by the comptroller. We make requisitions on the comptroller. We have no money

[The paper last referred to is marked Exhibit No. 3 of this date.]

The WITNESS.— I have also prepared an exhibit showing the comparative statement of the expenditures in detail of the dock department from May 1, 1885, to May 1, 1890, showing the purposes for which the moneys have been expended in detail.

[The paper last referred to is marked Exhibit No. 4 of this date.]

The WITNESS.— I have also prepared a statement showing the number of piers in the city and how they are owned; those owned by the city; those owned by private parties and those owned in common.

By Mr. BOARDMAN:

Q. Have you a summary of the statement covering that ground that can be incorporated in the minutes? A. I think that is all shown in this paper.

Mr. BOARDMAN.— I would like to call the attention of the committee to this statement. The city on the North river owns seventy-nine piers. Private owners own on the North river thirty piers, and there are owned in common on the North river five piers. On the East river the city owns forty piers. Private owners own twenty-nine piers, and there are twenty-four piers owned in common. On the Harlem river the city owns four piers, and private owners own nineteen piers, and there are none held in common.

Q. Does this show the bulk-heads as well? A. I think not; that was furnished by the dock department.

Mr. POST.— No, sir, it does not show the bulk-heads.

[The last paper referred to is marked Exhibit No. 5 of this date.]

The WITNESS.— Then I have also prepared a comparative rent-roll of leased corporation wharf property, from May 1, 1885, to January 1, 1891, showing the term of tenancy and the right of tenancy.

Q. This exhibit shows what the dock department has done between May 1, 1885 and January 1, 1891, by way of leasing the wharf property belonging to the city? A. Yes, sir; this is compiled from the annual reports of the dock department.

[The last paper referred to is marked Exhibit No. 6 of this date.]

The WITNESS.— Then I have also prepared a comparative statement of the amounts received from wharfages from unleased wharves, and so forth from May 1, 1885, to January 1, 1890, with a comparative statement of the total amount received from May 1, 1890, to January

1, 1891; this is incomplete on account of its being the current year, the year of the dock department beginning May first. The Exhibits numbers 6 and 7 cover the ground and show what the revenues of the dock department has been between these dates and from what sources, both reference to property devoted to exclusive use and property use for the collection of wharfage.

[The last paper referred to was marked Exhibit No. 7 of this date.]

The WITNESS.— Then I have also prepared a statement furnished by the dock department, showing the property acquired, with the approval of the sinking fund commissioners, from May 1, 1870, to January 1, 1891.

[This last paper is marked Exhibit No. 8 of this date.]

Q. Is this added up anywhere? A. No, sir; but the total amount expended is shown in Exhibit No. 1.

Q. Please refer to that and state the amount? A. The total amount expended for acquired property is $901,210.52; of course, that includes the cost of searching titles and any expenses in addition to the purchase price of the property.

Q. So that during the past twenty years the city has actually spent in the acquisition of wharf property less than a million dollars including all incidental expenses properly chargeable to that account? A. Yes, sir; then I have also prepared a statement of the pay-roll for 1890, based upon the pay-roll for December, 1890, showing the salaries paid to the various officials, clerks and the different employes.

[This last paper was marked Exhibit No. 9 of this date.]

The WITNESS.— Then I have also prepared a memorandum of amounts available for the issue of bonds under the Constitutional Amendment adopted November 4, 1884.

[The last paper was marked Exhibit No. 10 of this date.]

Q. This last exhibit has a very material bearing upon the policy of legislation with reference to this matter? A. Yes.

Mr. BOARDMAN.— This last exhibit has a very material bearing upon the policy of legislation with reference to this matter. Of course, you are aware of the constitutional limit as to the bonded debt of the city. These revenues are all to be paid into the city treasury, and bonds have to be issued if any property is to be acquired; and this statement shows that the valuation of all real estate in this city for 1890, assessed by the board of taxes and asse[illegible] $1,398,290,007. One-tenth of that would be $139,829,000[illegible] there are outstanding bonds, without including the bonds in the sinking fund, amounting in the aggregate to $97,[illegible]

leaving a balance of $41,971,770.63, not counting what is in the sinking fund.

Q. But if you count what is in the sinking fund, how does it come out? A. The entire bonded indebtedness of the city on the 1st of January, 1891, was $146,371,022.88; and of that amount deduct the bonds held by the sinking fund, $48,513,792.81, not being included in the amount which should be taken in computing the amount available for the issue of bonds.

By Senator FASSETT:

Q. The increased valuation of real estate that has taken place in the past two years in the city, the charges that the assessors have made — do you remember what that increase has been? A. I can not tell from memory.

Q. Ten per cent of it has been available practically for the further issue of bonds? A. Yes, sir; but perhaps that amount has been issued.

Mr. BOARDMAN.— I suppose that that question about the sinking fund need not be regarded, because the Court of Appeals decided in the bank of savings that it was not necessary to consider those bonds that were in the sinking fund.

By Mr. BOARDMAN:

Q. Have you now identified all the papers that you have produced here? A. Yes, sir.

EDWIN A. POST, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. You are one of the dock commissioners, are you not? A. I am.

Q. And the president of the board? A. Yes, sir.

Q. When were you appointed a dock commissioner? A. About the last of May, 1888.

Q. And you have been a dock commissioner since that time? A. Yes, sir.

Q. Can you tell me the date when the new plan for the improvement of the water front was adopted? A. Yes, sir; I will give you the details of it; it has been laid out ever since the creation of the dock department in 1871.

Q. I simply want now the date when it was adopted? A. I will give you the details of its adoption at different times; I have here all these details [witness referring to papers], the first one was April 18, 1871; that was the new plan; from the Battery to Sixty-first street was laid out April 14, 1871; from Sixty-first street to Seventy-second street in

1880; then on the East river from the Battery to Grand street in 1871; from Grand street to Eighth street in 1888; from Seventeenth street to Thirty-fourth street in 1888; from Thirty-fourth street to Eighty-eighth street in 1890; from Eighty-ninth street to Third avenue in 1887; from Eighth avenue to High Bridge in 1887; so you will see that as it has been deemed advisable for business purposes to improve the water front, the new plan has been laid out at those places which were thought to be best for commercial purposes.

Q. Has there been any work done on the new plan on the East river? A. Yes, sir.

Q. Where? A. There has been, beginning at the Battery, all the way up to the Harlem river.

Q. Will you please begin at any point you choose and go around the entire water and tell us what improvements have been made under any of these plans since the creation of the department in 1871? A. I will take first the North river, as that is the most prominent part of the city and the part which gives the greatest revenue, not only to the city government but to the United States; I would here state, what probably most of you know, that two-thirds of the whole internal revenue of the United States is collected in the port of New York and a very large portion of it is taken on the section of five and a half miles between the Battery and Seventy-second street, and even below, from Thirtieth street down to the Battery the most part of that is taken in; under the new plan there were 100 new piers laid out to be built; of these piers there already have been constructed sixty-four; there seems to be a misapprehension on the part of the public, that the dock department has done very little work; I would say, therefore, that sixty-four of these piers have been constructed and three have been contracted for; making sixty-seven, and one is just commenced, making sixty-eight; there is another one, which the Central railroad occupy, and we can not build a new pier there without breaking up their business, but, counting that in, it makes sixty-nine; there are three more being excavated at Washington market and pier No. 19 is a new one which also can be built when the old temporary structure — which is in good condition yet — is worn out, and the pier at Forty-second street has had a ferry substituted in place of a pier; the consequence is, that the dock department, out of 100 piers on the North river, has built and provided for se[illegible] piers, which are now doing their business and collecting th[illegible]

Q. You spoke of 100 piers; how many piers are called [illegible] plan all the way around the city? A. Two hundred and twe[illegible]

think; I will come to that a moment if you will allow me to continue; leaving twenty-six piers to be built under the new plan; of these nine are claimed by private owners and they claim the privilege of building; then there are four piers which are half owned by the city and which are claimed as private property; then there is another one, No. 30, which can not be built, as there is a suit for condemnation going on, and there is another one at the Desbrosses street ferry which is in the same condition, in suit; No. 33 can not be built until the rights of the bulk-head are arranged; pier 19 is in the same condition; piers 52 and 53 can not be built on account of the ferries; pier 69 is in suit, as are also piers 71 and 78; so the result is that there are about thirteen piers which are claimed can be built upon by private owners out of 100 on the North river.

Q. You do not admit the right of any private owner to build a pier? A. No, sir; I say I have understood that the private owners claim the right to the pier, and those are the ones in litigation and would be affected by legislation giving the power to the private owners to build; that is, about thirteen piers; I would also say here also, that I would like to correct a false impression, and that is that if the new plan was carried out everything would be perfectly smooth and the city would increase its commercial business of every kind and description and that all it wants is the carrying on of the new plan; I would say that these twenty-six piers — which will soon be reduced to nineteen — are as full as they can be; everyone is held and rented to one or two corporations; the nineteen piers which were to be built, and the only ones, in addition, which can be built, are, therefore, rented and leased to these other persons, and, as far as the benefit to commerce is concerned, although it would increase the size of the piers, and give, perhaps, twenty to twenty-five per cent more room on the individual piers, it would not give us one pier for these numerous applications which we have to-day; I make out, as near as I can ascertain, that there are about nine applications for piers on that part of the water front, and if this plan was carried out in its entirety, and a wide street constructed from the Battery to Seventy-second street, where the new plan ends, we could not give an additional pier to these parties; we are building an additional pier now at Washington market, and, perhaps, would have one there.

By Senator FASSETT:

Q. You mean, by that, that there is no waste room? A. There is no waste room; every pier is taken by these people who occupy them, and they all want other piers, and they want the piers that they have

improved, and when these improvements are made they will want the piers all for themselves.

Q. The only change would be, then, that the room would be utilized a little better? A. Yes, sir.

Q. And there would be room for more vessels? A. Yes; all this improvement, which is calculated to come, as claimed by the private owners, would be about 3,500 feet out of the five and a half miles commencing at the Battery.

By Mr. Boardman:

Q. You have spoken about piers on the Hudson river; the plan provides for an exterior street, 250 feet wide, all the way along from the Battery up how far? A. All the way up to Seventy-second street or Fifty-seventh street.

Mr. Greene.— Sixty-first street?

The Witness.— Yes; up to Sixty-first street, where the railroad then has authority to take possession of the water front.

Q. Then, from the Battery to the property of the New York Central railroad, at Sixty-first street, the plan provides for a street 250 feet wide? A. Yes, sir.

Q. And that has been the law for the last twenty years? A. Yes, sir.

Q. How much of that new street has been made? A. I don't know as I could tell you in feet; the principal part of it is about a mile long, where there is a great business done, and which has been a great success for New York, namely, that part between Canal and West Tenth street; then there are patches of different patches, all the way from the Battery up, wherever the city has not been interfered with by injunctions or private ownership; how many feet there are on each, I could not tell you, but it would be easy to have the whole thing measured.

Mr. Greene.— There is about a mile altogether?

Q. You think, then, that there is about a mile altogether, from the Battery to Sixty-first street, where the new street has been made 250 feet wide? A. Yes, sir.

Q. What is the reason that it has not been made in accordance with the plan all the way from the Battery to Sixty-first street? A. You see, there are certain places uptown, above Thirtieth street, where the property has not been in demand for commercial purposes.

Q. Well, leave out those exceptional cases? A. I say, coming down from Thirtieth street, every part of the property between there and the Battery has been improved that we could get at; what we could not get at is all tied up by injunction and litigation in one way

or another and we have in that way been prevented from obtaining it.

Q. Has the dock department ever taken a single proceeding to condemn anybody else's property? A. Yes, sir; there are seventy-four lawsuits in the law department now.

Q. I am not talking about lawsuits; I am talking about proceedings to condemn property; has there ever been a proceeding to condemn property? A. There is a proceeding now going on to condemn property in Harrison street, in relation to property at Jay and Harrison streets, and there are some old proceedings in connection with the same property which we have settled; we have been buying a lot of property called the Cornell property and we are now in negotiation where there is another lawsuit called the Smith property.

Q. Can you tell me how many years elapsed after the passage of the act of 1871 before a single proceeding was taken to condemn any property? A. I can not.

Q. Had a single proceeding been taken to condemn any property when you became a dock commissioner? A. Yes, sir; so I understood.

Q. What proceedings had been taken? A. The names of the actions I can not give you, but they are a matter of record and can be ascertained.

Q. Do you know of your own knowledge that a single proceeding had been taken prior to that time to condemn any property? A. In answer to that I will read this, which I obtained after I came into the board; I began to examine as far as I could into all these things and to ascertain good reasons why further action had not been taken for condemnation; I found, in the first place, that the assistant corporation counsel had advised that no action be commenced by the city, as the suits already existing, when finished, would distinctively clear the rights of the city, and further, that the suits already in progress might be embarrassed by the commencement of new ones.

Q. Do you know what suits he referred to? A. I do not.

Q. Did you ever find out what suits he referred to? A. I know that I looked over the report of the law department; what they were by name, of course, I can not recollect, but I suppose I could find them again by finding the dates at which they were commenced.

Q. Don't you know that there have been just four cases in this city which have been going through the courts affecting these questions, and that one is the Langdon case, one is the Cornell case, one is the Williams case, and the fourth is the Kingsland case? A. I think there are several others besides those.

Q. What others? A. Please allow me to read this [witness referring to memorandum]: The counsel to the corporation also advised on the 1st of March, 1887, that no new suits be commenced, as those already begun would determine the value of the water front and all the numerous questions connected therewith, and that it would be only an additional and useless expense to the city; this was the opinion of the corporation counsel.

Q. What was the date of that opinion? A. This was March 1, 1887.

Q. Have you had any other opinions from the corporation counsel since that time? A. None except verbal opinions and also in relation to the opinion of Mr. Carter.

Q. Have you communicated since that time with the law department upon the subject of proceeding to acquire property and to carry out this plan? A. Yes, sir; constantly.

Q. How many communications of that sort have you sent to the corporation counsel's office? A. I suppose fifteen, twenty or thirty; may I also state that there are some twenty-six pieces of property which were handed over to the special counsel of the city within six months — questions touching all the property from the Battery clear up the North River, and affecting property which there was some doubt about and that all these were placed in the hands of the corporation counsel for examination and condemnation, if possible, relating to, I think, thirty pieces of property.

Q. You say you have sent to the corporation counsel in the past two or three years as many as from fifteen to twenty communications? A. Relating to thirty different pieces of property.

Q. And requesting him to permit you to go ahead with the work; is that it? A. No, sir.

Q. Have you got those communications here? A. No, sir; not here.

Q. Isn't it a fact that ever since you have been a dock commissioner you have been urging upon the corporation counsel's office the importance of permitting the dock department to proceed with the acquisition of property and the carrying out of this plan? A. We have; that is, to get a settlement of the suits which they have told us was necessary to be settled before we made any further progress.

Q. Have you in any of these communications stated what you thought the interests of the city were with reference to the speedy c[illegible] out of the plan? A. The intercourse between the law depart[illegible] the dock department has been of that character, that, of cours[illegible] communications would only refer to formal acts, and a gen[illegible] cussion of these points has taken place between yourself as co[illegible]

one of the parties — the corporation counsel, and myself as a representative of the dock department.

Q. Haven't you invariably ever since you have been a dock commissioner, maintained in season and out of season, and officially and privately, that it was all important that obstacles should be removed and that this plan should be carried out? A. Yes, sir; most emphatically.

Q. And haven't you always taken the position that it was necessary to be done, and that it could be done, and that it should be done immediately? A. Yes, sir; beyond a doubt.

Q. Now, then, has not the trouble been with the position taken by the legal advisers of the city that there were legal obstacles that could not be overcome? A. Yes; sir; the difficulty has been, I think, that suits running clear back to 1878 and 1882, have not been pressed to trial; what their reasons are I can not tell you.

Q. I am not criticising the law department; I am only trying to make this plain, that the dock department has been in season and out of season in favor of going ahead? A. Yes, sir.

Q. You think it is for the interests of the city that it should be done? A. Yes, sir.

Q. And you have always thought so? A. Yes, sir.

Q. That that street should be widened all the way up and that new piers should be built in accordance with that plan? A. Yes, sir.

Q. And that the new stone bulk-heads should be built all the way along? A. Yes, sir.

Q. And you think it is an important matter that that should be done, and as speedily as possible? A. Yes, sir.

Q. And you have always thought so? A. Yes, sir.

By Senator FASSETT:

Q. What is the reason that these suits have not been pressed to trial? A. That is something I can not tell; the attention of the corporation counsel has been constantly called to the matter.

Q. To whose advantage is it that they should not be pressed to trial? A. We have tried to settle a good many suits.

Q. Does it make any difference to anybody that you know of whether they are pressed to trial or not? A. Not a bit.

Q. Then it is simply sheer laziness? A. Well, I can't say that; there may be some law points that I can't tell.

Q. What reasons have been given to you why they were not pressed? A. Oh, that they would be pressed in proper time.

Q. You have always been put off with that? A. Yes, sir; they have always said that the Kingsland case and the Langdon case were going

to settle some very important points, and so they have; if those two cases were settled in every way, it would settle the other cases, but they say that the opposing counsel has not been disposed to allow them to be settled.

Q. These cases are like the doves Mr. Conkling used to speak about, they cuddled and never mated? A. I think that case has been one of the most important cases that ever was settled and it shows how those cases can be settled, the fact that when you have got the settlement of that case we advised the commissioners of the sinking fund not to carry it up and to pay the money to your clients, Mr. Boardman, and following that we did, as a settlement of the question, come to the settlement of the Cornell case; we did not propose to press that although it was in suit and we simply made a proposition on the foundation of the settlement of your suit for the settlement of that, and we have settled it.

By Mr. Boardman:

Q. Now, let us take up the Cornell case; you have settled it as far as you can settle it? A. Yes, sir.

Q. But it is not settled? A. I don't know what the arrangements are.

Q. Don't you know that it is not settled and that he can not close it, and that it has stood in that position now for months? A. I understood that it had been closed; I understood from the special counsel a month or two month ago; he said, "This thing is all arranged and is to be settled;" Mr. Bartlett told me that.

Q. Whether it is actually settled or not, you don't know? A. No, sir; I suppose there is some hitch about it from what you say.

Q. Let me ask you this question; in discussing this matter with the corporation counsel, you had talked this matter over with Mr. Beekman when he was the corporation counsel, haven't you? A. Yes, sir.

Q. And you have talked it over with Mr. Clark? A. Yes, sir.

Q. Isn't it a fact that both those corporation counsels have agreed with you about the question of policy and about what ought to be done but they have both taken the position that their hands are tied by reason of the fact that the city had employed special counsel and that they had to be consulted? A. No, sir; I never was informed that their hands were tied.

Q. Well, perhaps not that phrase, but doesn't it amount to that in substance — that there was a dead-lock, that they could not act very well because of the existence of special counsel? A. No, sir; I understood as far as the previous counsel are concerned — Mr. Clark I can

not answer for — but so far as all the previous counsel are concerned, they all agreed upon the general principle laid down by the special counsel to the city.

Q. Have you got Mr. Carter's opinion in which he advised the seizure of the pier at night? A. No, sir; I failed to bring it up, but I will produce it.

Q. Can you state in substance what it is?

Senator FASSETT.— That would not be fair to Mr. Carter.

The WITNESS.— Well, it has been discussed so thoroughly that I think the general wording of it would be very smooth; Mr. Carter said that although the Langdon suit settled the question of the incorporeal hereditament upon the bulk-head, it has never settled any question in relation to the private piers; he contends that these private piers, as I understand, which have been given to collect wharfage and which are incorporeal hereditament existing upon the piers, and that the bulk-heads become to a certain extent the property of the grantees by grant and by deed; the piers were erected, all of them with one or two exceptions and sold by the city by permit of the board of aldermen when the water front was in their hands; Mr. Carter contends that this permit given by the board of aldermen was a simple permit to build these piers and that the city could at any time revoke that permission and take the piers away — that it was a mere permissible license.

Q. Then what advice does he give the department? A. The advice he gives the department is that we should pass a resolution and send out a force of men some morning to seize a certain pier and take possession of it and tear it down and then that will bring the question up in proper shape for a suit; I think there was a negotiation at one time with you in relation to allowing us to take possession of a dock which was held by one of your clients.

Q. You were to seize it from him by his consent? A. We wanted him to agree that we should seize it and then he was to get an injunction against us, but he did not see it; this conference was an informal conference called by the mayor to consider the question of the dock department but there was no quorum present; there was a resolution prepared which was not passed and so it resulted in simply an expression of opinion on the part of the counsel for the city and the advice was given in a sort of informal way which was not adopted by the sinking fund commissioners finally; after that I said, of course, if we were ordered by the law department to do certain things we would do it; consequently, after this meeting, Mr. Beekman sent down word casually and wanted to know if we had taken any action; we said no;

I then wrote Mr. Beekman a letter, of which I have here an extract, dated January 21, 1889: "Under Mr. Carter's contention, that the city owns all the piers and that it would be not advisable for any one in this department to acknowledge private ownership, I ask how this department should proceed; I suppose that the proper way would be for this board to occupy the owners of the private pier that may be selected for seizure that on a certain day it proposes to take possession of it and remove the pier for the purpose of building a new pier for the city; will you be good enough to inform me if this mode of procedure would be correct?"

Q. Did you ever get any reply to that? A. Never.

Q. And the thing has stood in that way for the last two years? A. Yes, sir.

Q. So that you are in the position of asking the corporation counsel's office what course should be taken by the department with reference to acquiring these piers that must be acquired if the new plan was to be carried out and you got no reply to the letter? A. Precisely.

By Senator Fassett:

Q. Do you know why you did not get a reply? A. No, sir.

Q. Did you ever meet Mr. Beekman or Mr. Clark and ask them? A. No, sir.

Q. You have not applied to Mr. Clark, have you? A. No, sir; there are other cases which affect this point and the question is now before the commissioners of the sinking fund.

Q. What is that question? A. The control of piers 23 and 24 on the North river.

By Mr. Boardman:

Q. But Mr. Carter says that there is not anything to purchase? A. There is the bulk-head there and including, too, half of the piers; there is just the hitch, and it is before the sinking fund commissioners.

Q. Doesn't it amount to this, that there is now and has been ever since you have been in the department, a practical deadlock which has prevented the carrying out of the plan? A. It has carried out a great deal of the new plan; it has built twenty piers; as an illustration of how one suit can settle so many, it has settled all up there between Twenty-fourth and Thirtieth streets.

Q. Provided the Cornell settlement is completed? A. Yes.

Q. Has not the comptroller refused to close the Cornell settl[illegible] A. I don't know; I think he has, under circumstances whic[illegible] different from the action of the sinking fund commissioners.

Q. You know the difference between a completed transaction and an open transaction? A. He has not paid the money; I did not know, however, before now, that he had not paid it; I mean to say further, that by the consent of the owners we took possession of all the bulkheads and were able to build the bulk-head wall, so that the department from Twenty-fourth to Thirtieth street, has been able to utilize three new piers.

Q. I want to call your attention now to those piers; for instance, the pier opposite the Cornell property; when was that built? A. That is pier 57; that was built in 1887; wasn't it, Mr. Greene?

Mr. GREENE.—About 1879 or 1880.

Q. You found it built when you came there, didn't you? A. Yes, sir.

Q. It was entirely completed as a pier, except it was not connected with the mainland? A. It was connected with the mainland but not by a proper approach.

Q. It could not be used? A. Oh, yes; we get a rental there that more than pays the interest on it; boats were laid up there.

Q. That pier was leased before it was built? A. I don't think it was.

Q. There were three piers that were all alike and built at the same time? A. I think so.

Q. And two of those piers were leased before they were built for $20,000 to $25,000 a year? A. I don't think those were in the same condition; they had not a proper approach.

Q. Assuming this pier had had a proper approach, it could have been rented for the same amount? A. Yes, sir.

Q. And upon that theory you could have gotten out of that pier for the benefit of the city in the last ten years, about $250,000? A. Beyond a doubt.

Q. Can you tell me how much revenue the city has got out of it from the collection of wharfage during that period? A. Probably $10,000—not more.

Q. Has not the city lost on that transaction at least $200,000, and even more? A. They have.

Q. From the fact that they did not acquire the private rights and permitted that property to stand there and be used for public wharfage at insignificant rates, instead of connecting with the mainland and leasing it as they did the other piers at $25,000 a year? A. Yes, sir; there is no question provided that, at that time, it was completed as the other piers were.

Q. What was the obstacle to the completion; it was a mere injunction *pendente lite*, granted by the Circuit Court of the United States over ten years ago, wasn't it? A. It was.

Q. That case was never argued on its merits, was it? A. I am not conversant with the details; I refer all those questions to the law department.

Q. Don't you know, as a matter of fact, that that case was begun in the Circuit Court of the United States about ten years ago; that an injunction was obtained which was continued pending the trial, and that the city never made a move in that case for the ten years, and has not to this day? A. I did not know that; I know since I have been in the board and since my attention was called to it, that I wrote pressing letters to Mr. Beekman and to Mr. Clark, to try to have something done with it.

By Senator FASSETT:

Q. Then you knew it had not been settled? A. Yes; I knew it had not been tried.

Q. There was nothing indefinite or cloudy about Mr. Carter's opinion to the board was there? A. No, sir; because it has been handed down from O'Conor and through Delafield Smith and Mr. Beekman ever since.

Q. Mr. Carter's advice was explicit? A. Yes; as plain as could be.

Q. Then what was there to prevent the board acting upon it? A. We wanted official instructions from the law department.

Q. Wasn't he hired to do that work for the law department? A. Yes.

Q. And if you have acted upon his advice wouldn't you have been acting under the advice of the law department? A. I think not.

Q. Mr. Carter is paid by the city much more than they pay the corporation counsel? A. But we are not allowed in our department to have anything to do with special counsel; everything that the special counsel does in regard to us, comes through the law department, and we look to them for our direction; therefore, when he suggested a thing to do, we went to our legal head for instruction.

Q. How did he come to be giving advice which he must have known you could not follow? A. The conference was called by the commissioners of the sinking fund; they wanted to know —

Q. In other words, the seal of official approval has never been placed upon the advice of the special counsel? A. Exactly; there were a number of pieces of property which were [illegible] to be purchased by the dock department, and they had m[illegible] to purchase this property; it went to the sinking [illegible] for their approval, and they then called upon Mr. C[illegible] this conference was called with special reference [illegible] were before the commissioners of the sinking [illegible]

should approve of the purchases made by the dock department; it was in consequence of that advice that all these things were thrown out in 1888, and, although this conference was informal from the fact that there was no quorum present — of course, we had stenographic notes of what took place, yet, still it never was an official document adopted by the commissioners of the sinking fund, and when the question came up how to go to work, we wanted if proper, to receive through the legal department, directions to do such and such a thing; otherwise we might be told that we were never given any such advice.

By Mr. BOARDMAN:

Q. The Langdon case had long been decided by the highest court in this State? A. Yes, sir.

Q. And the highest court in this State had decided that you could not put an obstruction in front of a man's bulkhead without paying him for the incorporeal hereditament that you had destroyed? A. Yes, sir.

Q. Then the Williams case which affected an adjacent bulk-head to this Cornell bulk-head, had also been settled by the Court of Appeals? A. Yes, sir; but that was an entirely different case; that was a question of real property.

Q. It was exactly like the Cornell case, wasn't it? A. No, sir.

Q. It is only two blocks from the Cornell property? A. Yes.

Q. In both cases there is a strip of land west of the exterior line of the old Thirteenth avenue which the court has held is capable of private ownership? A. That is true.

Q. And the Williams case is in that respect just like the Cornell case? A. Yes, sir.

Q. And the Williams' case had been settled by the Court of Appeals? A. Yes, sir.

Q. And settled in favor of Mr. Williams? A. Yes, sir.

Q. Now, then, that was about what year? A. About three years ago — two years ago.

Q. Please explain why, after the Williams case was settled by the Court of Appeals, the Cornell case has stood for three years at a loss to the city of about $75,000,000? A. I think that, as is shown since, that the commissioners of the sinking fund thought that there was too much pay under those judgments and the question was in the Williams case as to the advisability of taking it up to the Court Appeals again.

Q. Has there ever been any dispute between the water front owners and the city about any sum of money which was at all equal to the sum which the city has lost by the delay? A. That I can not say.

By Senator FASSETT:

Q. Assuming that the property in dispute would have equal earning power to other property with reference to which there has been no dispute, has there not been a greater loss to the city? A. I can not answer that because I do not know what the sum in dispute between the parties was.

By Mr. BOARDMAN:

Q. Which the sum which you are now proposing to settle with Mr. Cornell for on his entire bulk-head is how much? A. Six hundred dollars per lineal foot, including a lot fifty-seven by 200 of real estate.

Q. That would be $120,000? A. Yes, sir.

Q. And that is the amount he has agreed to accept for the whole property? A. Yes.

Q. Including the upland and water rights both? A. Yes, sir.

Q. Haven't you lost because you have not settled with him for the $75,000,000? A. Even so, by having an open gap upon that part of the water front —

Q. So that since the decision of the Court of Appeals in the Williams case which is an exactly similar case, isn't it? A. Negotiations were going on sometime before Mr. Williams would consent to take $600 a foot and the adjustment between the dock department and himself was a long time before.

Q. Can you tell me how long a time elapsed after the decision in the Court of Appeals in the Williams case before anybody took the trouble to open negotiations with Mr. Walker so as to connect to this pier with the mainland? A. Means were taken by the corporation counsel previously and after Mr. Clark came in I wrote him to make some arrangements by which we could get rid of the injunction at that point.

Q. How long was it after you came in there that you wrote such a letter as that? A. I think I wrote one to Mr. Beekman and one to Mr. Clark; Mr. Clark came in a year ago last May.

Q. You wrote a letter very promptly after you got there? A. I don't remember the time; I certainly saw him or Irish; a great many of these things about the water front was impossible to get on about in writing letters; we would have one of the corporation counsels come down to the department, and the whole thing would be a question of conversation between us; we don't reduce to writing every little detail.

Q. Treating these questions frankly now, isn't it your judgment that the city has lost a very large sum of money by the way this thing has been handled? A. Yes; there is no doubt about it.

Q. And while you don't pretend to say that the blame ought to be put upon you; you don't assume any of it yourself? A. No, sir.

Q. And it is the same way with the general question about proceeding with the plan at other points? A. Yes.

Q. You admit that the interests of the city require that the plan should be proceeded with, and you think there should be some blame somewhere, because you could not proceed, but you assume no part of that blame? A. No, sir.

By Senator AHEARN:

Q. Who is responsible; let's get at it? A. It is more than I can say.

Q. More than you can say, or more than you will say? A. I mean that I don't pretend to say.

By Senator FASSETT:

Q. If you, the president of the dock department, can not say where the blame is, how do you expect the Legislature to find it out? A. Well, sir, when we leave a certain matter in the hands of the law department, it is common courtesy that when we stir them up about it, to leave it with them; we think we are relieved of it to a certain extent; as we do not press the suits ourselves, we think we have done our part in asking the law department these questions, and impressing upon them the necessity of giving it their attention.

Q. Do you mean by that that the law department does not pay the proper amount of respect to your stirring up? A. I do not like to make any reflections upon anyone.

Q. Why then do you use the words "stirring up"; that implies sloth and indifference; do you mean all that it implies? A. I mean this, I simply state the fact that after we have made the request to the law department, we presume, and it is a fair presumption —

Q. Don't be so delicate about it, Mr. Post; come right out and state what you mean? A. Well, we have no trouble with the law department.

Q. Then where is the trouble, and, if you are not to blame, who is to blame? A. I have not said that the law department is to blame; I merely said that we sent all notices up there for them to do certain things, and if those things are not done, it is not our fault; from time to time we go and ask them certain things.

Q. Is there any other city department or officials who in any way touch upon these questions, or who in any way could be held remotely responsible? A. No, sir.

Q. Then it must be the law department? A. Yes, sir.

Q. And the dock department is unequivocal in its statement that it is not to blame? A. Yes, sir; and, therefore, you must draw your own inferences; we have here the report of the law department, and we contend that we are not responsible for those suits not being carried out to a conclusion.

By Mr. Boardman:

Q. I want to know what work has been done towards carrying out these plans on the East river front? A. Very little; we improved thirteen piers, I think, under the new plan on the East river; the difficulties there are that the districts owned by the city are in small detached portions, so that it is impossible to build for any extended length, say, two or three piers together, because it is all cut up by these bulk-heads or other piers owned by private owners.

Q. That suggests the point that I want to bring out; these improvements have generally been made upon property owned by the city? A. Yes, sir.

Q. And the city has improved its own property? A. Yes, sir.

Q. What piers have you purchased since the act of 1870; have you purchased a single one? A. The Inman pier is the only one.

Q. So that, practically, it is true that the city has simply carried out this plan, so far as it could carry out the plan, as if there was not any right to condemn anything at all; that is about it, isn't it? A. Except with their property which they have with bulk-head — and which they have now fitted up with a wharf.

Q. It is a very small piece as compared with the whole, as you have spent a million dollars all told in the acquisition of the property you have acquired? A. Up to this time, I think, it is about $1,200,000, and I think piers 23 and 24, which I understand will be passed, so far as our board is concerned, and then their property — this which Mr. Walker has, and which we are in negotiation for, will be all.

Q. You said a moment ago that the city did not own a continuous district along the East river, and for that reason the improvement had not been pushed there; you mean by that that the city did not as a rule try to carry out this improvement except upon its own property? A. By law it could not carry it on except upon its own property.

Q. Can't it acquire property? A. The whole trouble is in relation to the acquisition of property; the Langdon suit was supposed to settle one particular point in favor of the private owner and in favor of the city, too; the Court of Appeals declared the right of the private

owner to collect wharfage at the bulk-head, at a given place, at a given line; also, that the water front of that was land under water belonging to the city; the question came up in regard to that kind of property, because there were three or four different varieties of difficulties presented on the part of the owners.

Q. There is a new variety every time there is a decision by the Court of Appeals? A. There seems to be; when that was settled the question came up and was supposed to be arranged; we went to work upon that decision and purchased a certain amount of property upon the North river and paid $500 a foot for it.

Q. That was very little? A. Well, that is a question.

Q. I don't mean the price, but I saw it was a very little purchase? A. Yes, sir.

Q. You settled with Mr. Southmayd? A. I don't recollect; after that we were informed by the corporation counsel that we were paying too much for that property; the commissioners of the sinking fund were also informed of that and it was found impossible for the dock department to make contracts or endeavor to buy property at that price, and on the opinion sent by the corporation counsel that the property was worth but $100 and that was all we could allow for it.

Q. You had actually bought some property for $600 a lineal foot and paid the money? A. Yes, sir.

Q. And after that the corporation counsel advised that this very property that you had paid $600 a foot for was not worth more than $100? A. Yes, sir.

Q. Was that the same corporation counsel that had approved of one sale and then who wrote that opinion? A. That I can't say.

By Senator AHEARN:

Q. How long ago was that? A. In 1884, I think.

Q. Who was corporation counsel then? A. Lacombe, I think.

By Mr. BOARDMAN:

Q. Don't you know that from the start to the finish the corporation counsels have always been in accord with the dock department, but that it has been the special counsel of the city that have stood in the way of settlements? A. No, sir; I do not think so; but the corporation counsel tells me that they have been in accord with the city's counsel.

Q. Don't you think that if a corporation counsel permits a settlement to go through on the basis of $600 a foot and afterwards writes an opinion that that property was not worth a hundred dollars a foot

and could not be worth $600, that he is not in accord with himself A. Well, we are under his direction.

Q. And if he says one thing one day and another thing the next day — A. No, sir; we have got to go under his advice.

Q. Did you ever know why there was that change of heart? A. No, sir; I never ascertained except from the reasons which were given in his report; I would also say that owing to that it has been almost impossible to make purchases; you ask why the city has not proceeded to purchase property; it has been impossible for the dock department to enter into negotiations for this reason that the private owners hold their bulk-head rights at from six to nine hundred dollars a foot, and the city was directed not to pay more than $100.

Q. In other words, you could not buy property for $100 a foot which the owner thought was worth $600? A. No, sir; and it was no use to enter into negotiations; at this present moment we are waiting for a decision which would settle many of them, and which the department could go in and purchase large pieces of property with the settlement of two cases, any one of which you were successful in saying that the per lineal foot was worth $900, Mr. Boardman, and which the General Term said was worth $100; now, how was the dock department placed; the General Term tells us it was worth but $100.

Q. They are not the same kinds of property? A. Yes, sir; they are.

Q. They are not located in the same place? A. No, sir; but they are virtually the same.

Q. We will let these legal difficulties be wafted away now; suppose every legal question was out of the way and you were called upon as dock commissioner to settle the question as to what improvements ought to be made now on the water front in the interests of this city; tell us exactly what you would do? A. I would endeavor to carry out the present plans except as to modification on the East river; one reason why the plan has not been followed on the East river is the fact that in 1871, when the dock department and the sinking fund commissioners laid out a plan here, they laid out a plan of 200 feet; the shallowness of the water rendered it necessary that the piers be comparatively short, 400 feet; subsequent knowledge has made the department satisfied that it would be better to withdraw the outer line of that bulk-head fifty feet further in so that we can have more water in there than to have an increased length of the

Q. You would modify it by making the street 150 feet wid of 200 then? A. Yes, sir.

Q. That is what you would do, modify the plan on the East river front so as to make the street 150 feet wide instead of 200 feet? A. Yes, sir.

Q. And in other respects you approve the present existing plan? A. Yes, sir.

Q. And if there were no legal difficulties you would push ahead with that plan as vigorously as possible? A. Yes, sir.

Q. Now, assuming, of course, that all obstacles were removed — because you can assume here that the Legislature can remove obstacles — what are the reasons that would induce you as a dock commissioner to favor the immediate carrying out of that plan, what interest would be promoted by it and what would be accomplished by it in the matter of revenue and in promoting the convenience of people using the water front? A. As a matter of revenue on the North river, the additional improvements there would yield just what it does to the private owners of the piers.

Q. Do you mean to say to carry out acquiring all the private owners? A. Yes, sir.

Q. And make the city the landlord over this property? A. Yes, sir.

Q. I want to know why you approve of that policy, and I want to know what benefit you think would accrue to the public; you simply answer that question by saying that there would be some places where the revenue would not be increased; tell us what your idea is? A. In the first place, you take there that lower part from the Battery up here, here and there are little pieces of widening; West street is all blocked up from time to time; the trucks are blocked there for hours at a time, and if we simply make a wide street we could do more business and the general effect on the city and on the water front would facilitate general commerce.

Q. Don't you think that the building of these new piers on the new plan on the Hudson river to the extent that it enabled people already there to get larger piers would benefit them? A. Yes, sir.

Q. It would drive away some people, however, who could not get piers? A. Yes, sir.

Q. Wouldn't that create a demand in other places for the other new piers; for example, if there were twenty-one railroad and steamship companies in a particular section and when a new plan was put into force there are only fifteen of those companies that could be accommodated in that section, there would be those companies that would have to go in other sections? A. Yes, sir.

Q. And it would tend to disturb those companies and distribute them further up the river? A. Yes, sir; we tried by giving smaller rentals to

carry them above Twenty-fourth street, and we are trying now to carry them about Thirtieth street, but we find this great difficulty; these great steamship companies say "if we got up there, we have no communication across the city, and the expense of cartage and the competition between steamship companies is so great, that we can not afford to take a pier up there, and if we are placed in a position of that kind we will have to go over to Jersey or to Brooklyn."

Q. Leave out what they say; is there a single pier to-day that is not leased because the department can not lease it? A. No, sir; not one, from the Battery to Thirtieth street.

By Senator FASSETT:

Q. Is there one on either river? A. No, sir; except the open piers.

By Mr. BOARDMAN:

Q. The question is whether the demand for water front property is active or not? A. It is very active; we can not lease a pier to-day — we have not got a pier which the city can rent to-day below Twenty-fifth street.

Q. What applications have you on hand now for piers? A. We have nine, I think.

Q. Give us some idea of the corporations applying for water front privileges; give us the names? A. I don't know exactly about giving the names of these applicants.

Q. Then I will withdraw that question, and ask you to state their prominence, and what railroad and steamship companies there are? A. Here is one from a very prominent company which runs a North river line; the second is from a very distinguished railroad; then here is one from one of the largest steamship lines that cross into this port; they have very limited accommodations now which they hire from others; the next is from a very prominent railroad company; the next is from a very prominent railroad and steamship company; the next is a great steamship company which operates one of the largest lines of steamships running out of the port; the other is a large line of steamships which do an internal business all around; the next and last, is from the New York Warehouse Company.

Q. You know whether, and if you had room for these companies, you would want to encourage them to come here? A. Yes, sir; most emphatically.

Q. There is no question but what New York ought to acc[illegible] these people? A. None at all.

Q. And whatever could be done to accommodate them, ou[illegible] done? A. Yes, sir; that is the whole object of the dock de[illegible]

is to increase the commercial facilities of New York, and the difficulty is how to do it, and there is but one way, that I can see, by which it can be done, and that is the reason that was not well received; there is a point, a mile long, on the North river, which was laid out by a straight bulk-head line without a pier; now, one of these days, that ought to be cut away and piers made in there; there is room there for twenty piers; the harbor commissioners of the United States will not let us go out beyond the line of the bulk-head, as at present laid out; there is a whole mile long there.

Q. Where is that spot? A. That is between West Eleventh street and West Twenty-second street.

Q. There are no piers there? A. No, sir; there is an entire bulk-head there; under the new plan, it makes the whole length of that a bulk-head line, and that is the reason the United States government forbids us going out beyond that line with the heads of piers.

Q. You think the new plan ought to be modified in that respect? A. Yes; we ought to put piers in there.

Q. You think there ought to be additional action taken, either by the local authorities or the Legislature, so as to permit of the alteration of the plan in that regard? A. Yes; the plan of 1871 is the same as it is on the East river; we can not change it, and it only can be changed by the Legislature and by the consent of the original men who laid out these plans.

Q. The only two particulars in respect to which you think the plan should be modified, narrow the East river front of from 200 feet to 150 feet, and then, to permit the cutting in of piers in this spot, you speak of on the North river? A. Yes, sir; that, of course, would not be an act of the Legislature, except upon this; permit the dock department and the sinking fund commissioners to modify the plan in such a way as they might deem for the interests of the city.

By Senator FASSETT:

Q. The steamers that lie in their berth frequently protrude beyond the heads of the piers, don't they? A. Usually, they don't lie out beyond Eleventh street.

Q. I mean the place you speak of; what are the piers used for? A. Those are not piers; those are used for little lumber boats and market boats to tie up at.

Q. They are not identified by any class of vessels? A. No, sir; you see this law, which you gave us last year, was the most valuable since the creation of the dock department, and that was to lengthen these piers; these steamers that you speak of as sticking out, can all come

in and not stick out; we are spending $3,000,000 this year on the working out of the new plan.

By Senator AHEARN:

Q. The Anchor line have gone over to Brooklyn, haven't they? A. Yes, sir; and they went there because we could not give them accommodation.

Q. Yes; purchased a lot of property there? A. Yes, sir; they bought $500,000 worth of property there; this very pier belonging to Cornell, we agreed to let him have that pier and it was then we made our request upon the corporation counsel stating the fact and asking him if he would not by some means enable us to take that pier and we were unsuccessful in getting a response.

By Mr. BOARDMAN:

Q. That pier was built and the arrangement made to lease it to the Anchor line? A. Conditionally; yes, sir.

Q. The pier was completed some time except that it was not connected with the shore? A. Not in a proper way.

Q. Just about the time you started to connect it with the shore an injunction was obtained in the Circuit Court of the United States by Mr. Cornell, this being in 1880, and the Anchor line were told that they could not get the pier; then they were driven out of the city over to Brooklyn and the city lost $25,000 a year rental on the pier and nobody made any move to dispose of the Cornell case for ten years? A. Yes, sir; I know I myself looked over the injunction and tried to get it modified from the first moment I went in there both from conversation and by letter.

Q. Do you know how much it cost to build a lineal foot of new bulkhead? A. Three hundred dollars per foot.

Q. That includes widening the street? A. That includes the bulkhead wall proper.

Q. I mean to include all the money that would have to be spent by the city in carrying out these plans and so far as bulk-heads are concerned? A. The filling in—we have generally been paid some small sum for the privilege of filling in behind the stone wall, that privilege being a little less than what it would cost the dock department for putting it in order.

Q. So you think $300 per lineal foot would be the cost to the city? A. Yes, sir.

Q. How many feet are there if the plans were carried out? A. [Referring to memorandum.] I suppose this table which gives the

portion of the water front owned by the city and by private owners would probably tell that.

Q. The mileage would tell it easier because you would have to make little walls to the private owners? A. I have another table here.

Q. I will tell you my idea and then you can work it out; my idea is to show what the cost of this improvement would be to the city outside of land damages and would be paid to private owners if it was determined to carry out the program which you think ought to be carried out? A. I can give you the exact details of what we have built but I can not add them up and take them from what is to be built.

By Senator FASSETT:

Q. Then you haven't any estimates as to what the rest of the work would cost? A. No, sir; we have built for instance, from the Battery to sixty-first street five and a quarter miles; now, what the number of bulk-heads that we are to build there that are not built I can not tell you.

By Mr. BOARDMAN:

Q. Your engineer says there is about a mile built? A. Then it would be about four miles; the mile that is built does not include the bulk-head in front of the streets built.

Mr. GREENE.— Yes, sir.

The WITNESS.— That includes the bulk-heads that have been built behind the piers?

Mr. GREENE.— Yes, sir.

The WITNESS.— Then about four miles.

Q. Then if you will tell us how much has been expended for building that bulk-head then we will know that it costs just that much to build them? A. I think it costs just $300 a foot.

Q. That would be $150,000 a mile? A. Yes, sir.

Mr. BOARDMAN.— Mr. Greene has made up these figures and I think we had better take his statement; there are 156,543 feet of bulk-heads to be built in accordance with the new plan and on the basis of $300 a running foot the cost of building it would be $47,562,900.

The WITNESS.— That is all around the city.

Q. How may piers would there be all around the city, considering that the plan you approve of was carried out, to be built? A. There would be nineteen on the North river up to Seventy-first street which is as far as the plan is laid out.

By Senator STEWART:

Q. There are thirty-one miles of water front? A. Yes, sir; that is the whole water front way round to Spuyten creek and the Harlem river; there would be nineteen as I take it on the North river, that would be averaging $60,000 apiece under the new plan.

By Mr. BOARDMAN:

Q. That would be about $120,000 to be added? A. Yes, sir.

Q. What about the open piers? A. The piers are always shedded by the tenant.

Q. On the East river how many piers would there have to be built? A. There are only parts of the East river front which is laid out under the new plan.

Q. I am referring now to all piers that you would approve of being built whether they were laid out on the new plan or not? A. I think there are laid out on that plan sixty piers.

Q. And you would approve, if the legal difficulties were removed, of the erection of those piers at once? A. No, sir; not entirely; the reason that the expenditure of $3,000,000 keeps pace with the requirements of commerce; in the East river we would not have to build so rapidly as on the North river; on the East river we only build as the demand requires, and on the upper part of the East river there is no demand at all; we could build a great many places up there if we choose.

Q. How many piers on the East river would you advise building at once; from the Battery to Grand street how many piers are there?

Mr. GREENE.—About forty piers.

The WITNESS.—There are about thirty new piers planned to be built there; I would favor putting twenty-seven new piers there at a cost of $50,000 a pier.

Q. That would be about $1,350,000 for piers on the East river? A. Yes, sir; but in estimating this great cost for the bulk-heads, you first estimate all the way around on the North river where no piers could be placed, and therefore the expenditure of that, if the new plan was laid out, would cost so much money.

By Senator FASSETT:

Q. That does not include One Hundred and Fifty-fifth street to Spuyten Duyvel? A. No, sir; I thought, Mr. Greene, that your estimate governed the whole thirty-one miles from the Harlem bridge to Kings bridge, and from Kings bridge to Spuyten Duyvel; it was

beyond consideration of $42,000,000, which the city would never further be required to spend on this very great additional length.

Q. It would spend it if it carried out the new plan, wouldn't it? A. No, sir; the plan is not carried out.

By Mr. BOARDMAN:

Q. If it built that plan it would spend the money? A. Yes, sir; but that plan has not been agreed upon.

Q. How much should be deducted from the distance? A. It would be six miles which would not be utilized in that way.

Q. We will go to the other branch of the cost entirely; what it would cost to acquire this property; these private piers were leased for sums varying from $10,000 on the East river to $50,000 on the North river? A. Yes, sir.

Q. So far as you know, one will lease as well as another? A. Yes, sir.

Q. And you know, as a matter of fact, that these piers, when they are sold in the market, are sold at prices which are reasonable in view of those rentals? A. Yes, sir.

Q. How many private piers would the city have acquired if it acquired all the private piers? A. There are thirty private piers on the North river which will hereafter be in the development of the new plan; there are nineteen to be acquired and the other old ones are removed.

Q. We are talking of your requiring them all; there are thirty piers on the North river to be acquired? A. Nineteen.

Q. Why not all? A. This is a statement of the piers as they at present exist and these piers have got to be removed.

Q. But you have got to acquire the piers as they at present exist? A. Yes, sir.

Q. Then there are thirty on the North river that you have got to acquire? A. Yes, sir.

Q. How many are there to acquire on the East river? A. Besides those thirty there will be one-half of five other piers.

Q. That will be thirty-two and a half piers on the Hudson river? A. Yes, sir.

Q. How many piers on the East river are to be acquired? A. There will be fifty-three piers as made out from this list.

Q. So that taking the two together to carry out your views, the city would have to acquire eighty-five and a half piers that are now owned by private owners? A. Yes, sir.

Q. And these piers, if acquired at the prices they are bought and sold for in the market, the city would have to pay sums varying from $100,000 to $500,000 apiece to acquire them? A. I think the right would have to be determined in the law courts as to what the private piers are.

Q. Conceding, for the sake of the argument, that the law courts should favor the theory that a pier was worth what a man could get for it, and if the city took it it would have pay just what anybody else would; the city would pay varying from $100,000 to $500,000 apiece? A. If the ownership of the individual was decided by the courts to be the same right of the city — yes, sir.

Q. These figures would be correct upon that hypothesis? A. Yes, sir.

Q. That would add to the cost if that was the theory finally adopted by the courts, something like $20,000,000? A. Yes, sir; I qualify that statement because there are already little piers of 100 feet long among those.

Q. And we have got the amount a good deal too small to allow for these? A. Yes, sir.

Q. Now we come to the bulk-heads; suppose that entire view was finally adopted by the courts, that is to say, the court did not give a man $900 a foot for a bulk-head nor $1,000, but that the court should give to the bulk-head owner what the city has actually paid, say $600 a foot, then, on this theory, there would have to be nearly $100,000,000 paid for bulk-heads? A. Yes, sir; the whole trouble is, I think, this undecided condition of the law in relation to it.

At this point the committee took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

EDWARD A. POST, resumed the stand.

By Mr. BOARDMAN:

Q. Now, Mr. Post, please give me some idea how long you think it would be, if we continue to operate under the existing law, before this improvement could be made in accordance with the plan to the extent that you think it ought to be made at once? A. I think that we have nearly arrived at the end of our tether until there can be some new plan as to the rights of the owners and the rights of the city.

Q. Unless we get new legislation or new decisions by the courts? A. Yes, sir.

Senator FASSETT.—How are you going to get a decision on a pier?

Q. But I don't know of any case pending which raises the pier question, do you? A. No.

Q. So that as long as that condition exists there is a complete deadlock, and no case pending affecting a pier, we would never get ahead with a new plan at all? A. Under the present advice of counsel unless counsel advise us there is some other way of getting new piers; the existing advice, as given by the corporation counsels all the way back since the creation of the department would prevent the dock department from taking any action in relation to a pier.

Q. And you wouldn't be any nearer in acting upon and carrying, out this plan twenty years hence than you are now; I mean with the existing conditions continuing? A. The existing conditions continuing.

Q. Do you know anything that would prevent you from carrying out Mr. Carter's advice in going there at night with a lot of people and seizing a wharf from being shot by the people in charge? A. No; I should like to advice them when they are coming at first and to get an injunction.

Q. Suppose they don't choose to do it that way, but tell you to keep off the premises at the risk of your life; do you know anything that would prevent you from being shot in trying to take possession of a pier in that way? A. No; not unless my heirs and executors might sue them.

Q. You know perfectly well that would be a trespass? A. It would be a trespass, apparently.

By Senator FASSETT:

Q. Then the advice wouldn't be bullet proof? A. Wouldn't be bullet proof.

By Mr. BOARDMAN:

Q. At any rate, you don't intend to do it? A. I don't intend to do it unless I have direct advice from the law department it should be done.

Q. Then would you go by night to take possession of the pier? A. No; I should go in open day.

Q. Would you attempt by force to turn out an occupant who had been there for years? A. That I shouldn't be prepared to decide until I had received my orders.

Q. You wouldn't be prepared to do it? A. No; it has been going on for nineteen years, and it would be a very dangerous thing and would be a very great injustice.

Q. You think, with a man who has been in peaceable possession of a pier for twenty years or more, who has paid for the pier, that it wouldn't be exactly a safe thing for anybody to do, to go there and attempt to fire him out by force? A. Unquestionably; whatever the legal rights might be.

Q. Now, to pass that; you are familiar with the bills that have been introduced in the Legislature since you have been a dock commissioner, relative to the shedding of piers and the removal of sheds from piers, and the keeping of piers open for general public use, and so forth, are you not? A. Yes, sir.

Q. Now, Mr. Post, please tell us what bills have been introduced, and, generally, what your opinion is about the policy of such legislation? A. I suppose you refer more particularly to the Kerrigan bill, which has been brought before the Legislature for two or three years now, setting aside every sixth pier, besides the bill offered by Mr. Lombdier in the Assembly and another by Mr. Cantor in the Senate; those bills all come under one category and should be answered in the same way; this question came up first as regards the Kerrigan bill; the bill requires the department to set apart one pier in every six along the Hudson river water front and the East river water front of the city, for the use and accommodation of the people of said city, as hereinafter provided, and so forth; that provision was made that this pier should be an open one on the lower deck and should be occupied by the people moving backwards and forwards and should be a freight depot, and that it might be used by the people on the second story and the present existing sheds built for the benefit of the people, I go in my letter to the corporation counsel to state: "The most valuable commerce of the city, and from which the United States derives it largest revenue, is carried on in the district on the Hudson river between the Battery and West Eleventh street. All the piers, except pier old 42 in this district owned by the city, are held by domestic and foreign steamship and railroad companies under leases from this department. To obtain possession of any of them for the purpose of this act would involve the city in a serious of suits at law, as the lessees would not willingly surrender them. The other piers, claimed by private owners, are all leased to different companies and the only way possession of them could be obtained would be by suits for condemnation, which would be contested with all the vigor possible. It seems therefore impracticable to enforce the provisions of this act (should it be passed), without expensive litigation, which necessarily would continue for years. The taking possession of six or seven piers on this district (one-six or one-seventh of all the piers on

it), would drive from the city of New York, to either Brooklyn or Hoboken, six or seven of the largest shipping companies conducting their business here, to the great detriment of the interests of the city. The demand for piers is in great excess of the supply, and this department could rent eight or ten new ones if it had them to rent. Already one of the largest steamship companies the (Anchor line) has been obliged to go to Brooklyn, and as there was no pier in the city available for their business.

None of the piers were built in contemplation of an additional weight of some 4,800 tons, which would be imposed on each of them, by making a public promenade over the existing sheds. The piers themselves, as well as the sheds upon them, would practically have to be rebuilt at an immense cost to the city.

The same objections would pertain to the piers on the East river front, although the cost would be less, as property is not so valuable.'

Then I go on to say.

[Witness here further read from his letters to the corporation counsel.]

Q. Then you are opposed to such legislation as I have referred to? A. Exactly [witness here further read]; to illustrate the passage of this act, I take certain piers in the order provided therein, which would have to be obained possession of; about the same conditions prevail should other series of piers be taken; and I cite here a numbers of piers which are claimed by private owners, of which some one, two, three or four would have to be obtained at probably the cost of three, four, or five hundred thousand dollars and other piers, 1, 2, 3, 4, or 5 on the North river in the same way; I have tried to make it as short as possible; that is my opinion in relation to the damage produced by the passage of such a bill as that.

Q. Now, Mr. President, the argument in favor of these bills I understand to be that there is a good deal of business done on the water front by casual vessels, that places must be supplied for them where these vessels can come; what have you to say about that? A. That the opinion of the dock department is in conformance with that view; that their intention and desire is to recognize that the smaller boats should have facilities for doing business on either river; on the East river there are some nineteen open piers and places of that kind where they can do it; the great difficulty on the East river has been the pressure always, rather than to destroy one of these big companies they have yielded and given piers which for some years were closed; the police of the department at present is to keep an open pier wherever

they can now get one; that one of those new piers on the Washington market about to be erected shall be kept open as an open pier; the same way when they are able to build a pier up at Canal street, pier 42; but beyond this, there are some eight or ten open bulk-heads on the North river; these bulk-heads can be used for the smaller kind of commerce; these bills which are brought before the Legislature, Mr. Cantor's bill particularly, as I recollect providing that any boat could go in anywhere that — of course, the big steamers expected from Europe having a place to go, come in and find their places filled up with canal boats, lumber boats and everything of that kind; so that it is necessary, the way business is done in the civilized world, that they should have some means of knowing where they have to go when they come here; we have a number of open bulkheads, in which they land bricks, lumber and other things from the smaller vessels; now, we think there ought to be a pier besides; on the upper part of this city we have several.

Q. Have you been able to supply proper places for the smaller craft? A. We think we have; we have not done it with the facility they demand, and the fact is we can not do it.

Q. I suppose you consulted the larger use where the two came into contact? A. Where the two came into contact; take a single pier down town that was even leased for a great many years before these requirements came for these smaller boats; these piers have all gone back for fifteen or twenty years; of course, business of that kind has all increased in the city of New York, and the pressure is greater and greater as each year goes on.

Q. At present the law vests the discretion in that department as to whether or not it shall be an open pier? A. Yes; and it is the duty of the department to give facilities to everybody.

Q. And the department recognizes that discretion to accommodate everybody? A. Yes; everybody; the trouble of this thing is that every single business concern wants everything; one man comes in and says: "We want this pier"; another man comes in and says: "We want this pier;" and so it goes on; well, New York is not large enough, we can not stretch it, to say to a man, you must divide this by giving other men a chance; but the trouble is, the cry against us is, "Why don't you let us have this pier, and the other fellow that pier;" why they wouldn't keep it full one-quarter of the time, and there would be that loss to the city, and it is our duty and our pleasure, as far as we possibly can, to give every man of business, no matter how small it is, every facility to do his business.

Q. As a matter of fact, does this smaller business get proper facility? A. As a matter of fact, I believe it does; we get some small complaints, but have no serious complaint, and never have had.

Q. You are familiar with the act of 1875? A. Yes, sir.

Q. Before that law, there was no law passed authorizing the construction of a shed? A. No.

Q. And all these sheds were illegal? A. Illegal.

Q. But there were a great many erected prior to that time? A. Yes, sir.

Q. Now, the policy of that act is to vest in the dock department, provided a man brings himself into the terms of the act, the granting or refusing of the privilege of sheds? A. Yes, sir.

Q. And it is granted, subject to revocation? A. Yes, sir.

Q. You never knew of a shed privilege granted in any other way? A. Yes; because they are granted during the term of lease, so far as the city is concerned.

Q. Aren't they granted subject to the will or revocation of the department of docks? A. No.

Q. Are you sure about that? A. Well, so far as my memory serves me; you speak of sheds generally; perhaps our views are different: I am speaking of a shed on piers; there is another class of sheds which are built upon platforms, which have been allowed to be built, and those sheds are subject to revocation any day, because, under the general law, we have a right to have not only the platforms but the sheds at any time.

Q. You have sheds over piers too? A. Yes, sir.

Q. And these piers are leased for a definite term of years? A. Yes, sir.

Q. Now, where these piers are not on the new plan, don't those leases contain the power to revoke them at the pleasure of the department, in case it is necessary to take the places? A. All of them; all of the leases are revocable which are not under the new plan, at the pleasure of the department.

Q. And practically a good many leases are not under the new plan A. Yes, sir.

Q. And to that extent this shed privilege is revocable? A. Is revocable; everything is revocable, even the lease for ten years; it may be rented for ten years subject to revocation — all the bulkheads and all of our property not built under the new plan.

Q. Does the dock department consider that it has the right under the law to put up a shed in any part of the public street where the street has been widened? A. We don't recognize that the street has been widened.

Q. Well, apart from recognizing it? A. Allow me to explain the form which has been received from the corporation counsel and through the city; this widening is named as a margin to place the wall, this bulk-head; the board of street opening has never given authority to have it done; for instance, the 180 feet of West street is widened as an additional part of the bulk-head; it is under the control of the department of docks, not under the control of the street cleaning department, which the dock department, pave, fill in and control.

Q. So your opinion is, it is in control of the department just as the sheds? A. Yes, sir.

Q. And that you can authorize the construction of a shed as you like? A. Yes, sir.

Q. And, as a matter of fact, you have authorized the construction of several sheds extending fifty feet from the outer line of the bulk-head into the street? A. Yes, sir.

Q. Now, do you think that it increases the value of the water front for commercial purposes to have those sheds erected that way? A. Beyond a doubt.

Q. And would you be in favor of continuing that policy generally through the city, in case the streets were widened? A. It is a question which I have not decided exactly, have not made up my mind upon, for this reason; some part of the water front I would; other parts I might not; there has been a great objection made on the part of the board of aldermen, members of that board, and in other places, against shutting off citizens, as they claim, from the water front, and, as a general rule, I think it would be a proper thing to build sheds of that kind, leaving a certain given distance by which the citizen could get to the water.

Q. The objection to building the sheds is that some citizens might want to go down there and look out on the water? A. That is simply the only objection.

Q. The advantage is that it increases — A. [Interrupting.] It has almost doubled the commercial facilities; it is one of the two ways that we could increase the commercial facilities of New York.

By Senator Fassett:

Q. It is not the meaning that the objection is that a man goes to the water for the purpose of looking at the water, but for letting in scows? A. I am speaking of that.

Q. Where a private party has not the right to lease the wharf? A. Certainly; he has referred to that part which may be in the hands of

the closed piers, which are allowed to be shedded; the open bulk-heads are never allowed to be shedded; the lumber men, the sand men, the brick men — those are places you must have all along, to allow them to land.

By Mr. BOARDMAN:

Q. I am not referring to those; we have got to have some place where the chance visitor can come; but I am referring to the great bulk-head water fronts, which is leased for exclusive use; would you be in favor, as a dock commissioner, of continuing the policy already adopted by the department, of permitting the erection of sheds for the protection of merchandise along the bulk-head in those localities? A. In proper localities, subject, of course, to general instructions.

By Senator AHEARN:

Q. You don't mean to say by that, that you want to shed all the piers along the water front of the city? A. I suppose he is referring, at present, to the North river.

By Mr. BOARDMAN:

Q. I refer to any place where the demands of business are such that the owner wants to construct a shed; these sheds cost a good deal of money? A. Yes, sir.

Q. A man wouldn't naturally want to build one unless he had some use for it? A. No.

Q. And I understand you to say that, as between the citizen who would like to enjoy the air, and the business man who needed the property for his commercial uses, and was willing to pay the city for the privilege, you favor the latter rather than the former use? A. So long as there were open bulk-heads left to do this; on the East river it might be inadvisable, because there we propose the street should be only 150 feet wide, instead of 250 feet; putting sheds on the bulk-head there, it might be inadvisable.

By Senator AHEARN:

Q. You know in these tenement-houses, where there are fifty or sixty or a hundred people, that is the only place, during the summer time, for them to go down and have the fresh air? A. Yes, sir.

Q. Wasn't there a bill passed by the Legislature in 1889, empowering a certain corporation to erect a shed on pier 45, East river? A. Yes, sir.

Q. Wasn't there a proposition made to erect a promenade deck on that pier? A. Yes, sir.

Q. Do you know whether they ever did it? A. They did it recently, but afterwards the law was changed.

Q. When was it changed? A. There was a very peculiar decision from the Court of Appeals giving the power to build the shed, I think it was erected originally and then afterwards the Court of Appeals decided that the permit given by the dock department prior to that was sustained, and the permit was got two years before.

Senator AHEARN.— Perhaps, Mr. Boardman, you can give us some information about that; I am very much interested in the subject.

Mr. BOARDMAN. — I will give you the information if you wish. Certain parties in New York attempted to strike the Baltimore and Ohio Railroad Company, and they succeeded in securing the help of the Attorney-General of the State of New York to accomplish that result. They brought a suit against the Baltimore and Ohio Railroad Company to restrain the erection of a shed over pier 27, East river, the Baltimore and Ohio Company having secured from the dock department the power to put up that shed. When the case was tried, it was tried before Mr. Justice Donohue, and he decided in favor of the plaintiff; but he naturally sympathized with the defendant. The defendant, so far as the merits of the case were concerned, outside of the cold law, was clearly in the right, and it was against the interests of the city that this suit should be brought, and so Mr. Justice Donohue, although he decided in favor of the plaintiff, gave certain findings which told strongly in favor of the defendant, and stayed all the proceedings of the plaintiff, pending the final determination of the question in the Court of Appeals. Then the matter came up before the General Term. The General Term struggled pretty hard to reverse that judgment and find in favor of the defendant, but could not see their way to do it and sustained the judgment, and when we got it in the Court of Appeals, then the case was pending in the Court of Appeals, and the New England Company got from the Legislature this right to shed pier 45, and as a concession to those people in the Legislature who wanted to protect the interests of the tenement people who wanted to enjoy the air, they put into the bill the provision that there must be a promenade deck on top. They preferred to get half a loaf rather than no bread, and took that statute and it became a law. But shortly after it became a law the Court of Appeals handed down a decision to the effect that, for some reason or other, that shed was all right.

Senator AHEARN.— And closed the promenade deck?

Mr. BOARDMAN.— It wasn't built.

Senator AMBLER.—Well, we are looking for that promenade deck over on the East side, we haven't got it yet.

The WITNESS.—I know they ought to build it.

Senator AMBLER.—The law says that they shall build it.

By Mr. BRANNAN:

Q. Now, you are familiar are you not, with the legislation which passed the Assembly and the Senate some years ago and failed because Governor Brannan, I think, when he was Governor did not sign the bill to settle this controversy between these private owners and the city? A. Yes, that is the bill of 1878.

Q. Well, Mr. Friel, that bill in this respect, that under certain conditions named in the bill the private owners shall have the right to improve their property in accordance with the plan furnished by the city and under the direction of the city; that is what it amounts to, isn't it? A. Well, I think it amounts to a little more than that.

Q. What does it amount to more than that? A. All these bills which are similar, I believe look to the repeal of section 715 of the Consolidation Act which requires that all the property shall be owned by the city and the city shall have the power of condemnation; of course, these bills referred merely to a repeal of that section; in the bills it simply says that the private owners shall do such and such things; it does not seem to me advisable at this present time and in the present unsettled condition of what the rights of private owners are, to place any bill in the legislature which should be passed giving the private owners rights, because it would only tend in my opinion to increase the litigation which already exists. If for instance, the private owners said they were allowed to do so and so and it should come before the dock department, the dock department having power, they would simply go before their legal authority and ask "What are the rights?" "What is the legal status of the private owners in the statute?" and it seems to me we would have to take the same action as we are doing now. It seems to me there is such a thing as remedial legislation that would touch this question.

Q. We are coming to that in a minute. I want you to confine yourself to the legislation I suggested? A. It would increase the dock department and the city wouldn't know what the legal rights of the city or what the legal rights of the private owners were in that property.

Q. Suppose a law were passed of this character, the dock department was given the power to amend its plan so as to get its plan into the most perfect shape that it could get in; that when it got it into that

shape the plan must be submitted to the sinking fund commissioners to approve; that this plan should cover the whole of New York all the way around, so that everybody would know just what improvements were contemplated and were desirable by the authorities at any point; suppose then the city was given a reasonable time — not twenty years, but a reasonable time to elect whether it should go ahead itself and complete these improvements in accordance with that plan, and that failing its determination to proceed with the improvements, the private owners should be permitted, at their own expense, to proceed with the improvements in accordance with that plan, all under proper control of the dock department; what would be the objection to such legislation as that; how would that raise any question of rights or title or anything else? A. If it could be shown and if it is shown that the private owners have the same rights in their property that the city has, equal rights, I think there is but one way to do it, to allow the private owners to improve as they do under the general bill; but are you talking about something which is not yet settled; the city owns in fee its piers; it owns in fee its streets; now, as far as we are informed, the fee of these private piers is not in the individual; the fee of these bulk-heads is not in the individual; that they were incorporeal hereditaments, an easement to a certain extent on the property; now the question is whether that incorporeal hereditament is of equal value with a fee-simple of that kind.

Q. You think that if the city does not want to carry out the improvements the private owner ought to be permitted to do so? A. I have no doubt about that.

Q. And your only objection is that which you have stated to me? A. Let me illustrate to you one point; I will give you the point; take the first ward piers on the North river; that is marked upon our map of water grants through that sweep of three to four piers as being owned by twenty different people; there are three piers, say, there; under the new plan of the department, two piers have got to take their place; those piers are now rented at a very high rate to different companies; now, you propose that that should be improved upon the new plan, because three piers are too many there and you can't get into those slips to do business in the proper way; now, under these bills it is proposed to do what; that the dock department and the commissioners of the sinking fund together shall decide what to do, how much of these two piers to give to the man who owns the third pier, how much of the property to the owners of the bulk-head property; it would simply lead to litigation among all these individuals; they all lose their piers; they are rushing to seize these piers and what-

ever the dock department could do under such circumstances it would be simply impossible to satisfy these people.

Q. Suppose the dock department were given no authority in the premises so far as settling disputes between private owners is concerned, but there was a provision in the act that these improvements should not be made by the private owners unless they could agree themselves in advance about the partition and division of the property? A. Oh, that is what I suggested to Mr. Anderson.

Q. Suppose that provision was put in the act, what criticism would you have to make then? A. If you will allow me, I have prepared some points in relation to the bill; I have Mr. Anderson's bill here of last year, and it will give some of the points; the main object to be accomplished by the bill of Mr. Anderson is, that the wharves, bulk-heads and piers on the water front shall be owned partly by the city and partly by private individuals, which is contrary to the intention and policy of the present dock law, which is that the city shall acquire all the water front which it does not own and improve it and lease it; it allows present owners of old bulk-heads to acquire additional rights and privileges upon the new bulk-heads built upon the property of the city, upon the payment of a portion only of the cost of building the new bulk-head, and it allows the owners of piers, when new piers are built upon the new plan, to hold or own parts of said new piers proportionate to those which they now own; it does not, however, and it can not decide what the value of the rights of private individuals in the old or existing bulk-heads is, nor what the legal rights of the owners or claimants of existing piers are; now, that is a point; not only does he ask that they shall be allowed to build piers and build upon their own bulk-heads, but upon all property which has been taken in the past by the city, this property which has been improved from Canal street to West Tenth street; that they shall have the privilege, by coming in and paying part of what it has cost the city, that they shall have certain rights in that property which is now leased for a great many years to certain people; that is one point.

Q. There is no difficulty about the leases if the lessees consent? A. But it is taking away from the city property which is already in possession, and proposes to take away property which belongs to the city on the payment of a cost less than the city has paid for it.

Q. Yes; but every bulk-head there which interferes with a private bulk-head which existed before is an illegal structure under the decision of the Court of Appeals, isn't it? A. No, sir; I don't think so; I think the Court of Appeals says that the department have a right to

build it in front of the bulk-head, but that they have to pay a consideration for it.

Q. Was not this what the Court of Appeals decided: The Court of Appeals said that these structures were wholly illegal and never ought to have been put there at all, but, inasmuch as they were put there in good faith and the private owners did not get injunctions, that now they won't compel the removal of these obstructions, provided the city, within a reasonable time, shall properly compensate the owners for the rights that have been destroyed? A. Exactly; in the same way, in the Langdon case, they decided that while these people possessed the right to the wharfage and cranage which accrued, yet the city had a right to build the bulk-head in front of it on its own water; I believe that was the decision; then these points say: "The rights of pier owners or claimants has not yet been subjected to trial in the courts, and until these questions are settled or determined, the bill of Mr. Anderson could have no effect, because the questions which are in dispute as to the rights of owners of piers and bulk-heads would immediately arise, if action under Mr. Anderson's bill should be undertaken. If, however, we suppose that all these questions of law were definitely settled, this bill has many objectionable features. The owners of bulk-head rights or incorporeal hereditaments of collecting wharfage on West street had nothing more than the right of wharfage, cranage, etc. This bill provides that upon the payment of a sum not definitely fixed, but, as suggested, a very small one, should have not only the right to collect wharfage upon the same number of lineal feet of the new bulk-head as he had upon the old bulkhead, but also giving him in addition the control or ownership of fifty feet of land, or wharf or bulk-head, built upon the property of the city, inside of the new bulk-head line. This, in many parts of the city is property of very great and very considerable value, because under the shed law it becomes virtually the site of a warehouse. In the matter of piers, the bill proposes to extend and perpetuate the ownership of part of piers owned by the city and of another part of the same pier owned by individuals. This joint or common ownership of piers has already existed for many years and has been found to work very unsatisfactorily indeed, on account of the difficulty of compelling the private owner to keep his part of the pier in good order and condition, and in one case in particular (pier old 59 East river) has resulted in the destruction of the pier, because the department could not repair its portion without repairing the other portion belonging to private individuals, which it had no right to do, and as it was unable to compel the claimant of a portion of the pier, a private

party, to repair his portion, the pier went to destruction by natural causes. Section 1 of this bill in providing for the improvement of the water front, requires that the exterior street (or wharf or bulk-head) shall be widened to the full width laid down on the plans for the improvement of the water front. It mentions West street and the Hudson river front, South street and the east river front, but says nothing in regard to the water front of the Harlem river and Spuyten Duyvel creek. It defines what the new bulk-head shall be and limits it to fifty feet, which limit is much too small in busy parts of the city, such for instance as on the North river front between Canal and West Tenth street, where 180 feet of bulk-head has not been found any too much for this accommodation of the business done upon that section of the water front. Section 2 of the bill provides that any person who may have owned at the time of the beginning of the improvement under the new plan, on West street and Hudson river, South street and the East river, or may have been entitled to wharfage, cranage, etc., may, at any time from within three months after the passage of the act, or at any time within three months from the time when the widening of such street (that is, the improvement of the water front) in front of such portion of private bulk-heads shall have been commenced, upon giving certain notice and paying certain sums, obtain the virtual ownership of all wharfage, cranage and other emoluments upon the new bulk-head of equal length as the old bulk-head owned by him, with the addition of fifty feet in width of the new made land. The cost to the private party as given in this bill is 'insert cost of building first-class wooden bulk-head filled with stone.' This cost would vary greatly upon different sections of the water front, and moreover seems to be altogether too small a compensation for the new property to be acquired by the private owner. It is also provided that if a pier has been located upon the new bulk-head line in front of the old private bulk-head, that the department of docks may agree with the owner of the old bulk-head to exchange a portion of the bulk-head, or else pay for it. It is also provided in this section that the moneys received upon such agreement or realized upon sales made as hereinafter provided, in case of default upon such agreement, shall be appropriated to the cost of constructing the new bulk-head described in this act. The third section provides in its first part for making and issuing of a deed or grant or instrument conferring the rights and privileges otherwhere mentioned, and the latter part of the section provides that the absolute privileges conferred in the second section of the act shall extend to those cases only where the rights claimed upon the bulk-

head are or were (in the absence of changes in the plan of the water-front), owned in perpetuity; and as to all other cases, power seems to be given to the department of docks, after reports have been made by the counsel to the corporation, with the approval of the commissioners of the sinking fund, to assent to or deny the application for the absolute privilege referred to in section 2. It does not seem to me that this power could result in much practical work, but that the applications would be rejected and the matter referred to the courts. Section 4 provides that in case the parties who apply for the privilege and make the election referred to in section 2, do not pay, that the department of docks may sell the same to the highest bidder, and that if there be no bidders therefor, that the same shall belong to the city. Section 5 provides that whenever in carrying out the new plan, it shall be necessary to build or rebuild any pier on the site of or adjacent to an old pier or piers, or as a substitute for any then existing piers, the owners of such existing piers, upon paying a proportionate part of the expense for such building or rebuilding, shall be entitled to the same proportion of interest in the new pier which they had in the old pier. This provision does not seem to me to apply practicably to many sections of the water front. Take for instance the section near Rector street, North river, embracing piers old Nos. 6, 7, 8, 9, 10 and 11. These six old small piers are, under the new plan, to be replaced with four large ones, and how it would be possible to adjust the proportionate part of any one of these six old piers in any one or some of the four new piers, I am unable to see. Moreover, the idea seems to be that paying for the construction of a pier would be paying for a fair equivalent of its value. That this is not so, is shown by the fact that the department has built many piers at a cost of $60,000, which rent for from $30,000 per annum to $70,000 per annum. The greater part of the value of a pier is not in the cost of construction, but in the site or land under water upon which the pier is built. If in the building of a new pier, seventy feet wide by 700 feet long, an old pier thirty feet wide by 250 feet long, is destroyed, I know of no means of deciding what portion of the new pier should be given as an equivalent of the old pier. In the fourth paragraph of this section, it is provided that whenever in the execution of the new plan, any dispute shall arise between the owners of the piers and bulk-heads and the department of docks respecting the interest of the said private owners or the mayor, aldermen and commonalty, in relation thereto, the department of docks shall have authority to settle and adjust any such dispute with said owner or owners, and any agreement for such settlement or

adjustment when approved by the commissioners of the sinking fund shall be binding upon the mayor, aldermen and commonalty, as well as upon said private owner or owners. It does not seem to me that any practical action can be taken under this paragraph because the law and the principles governing the rights in wharf property are not yet settled clearly and therefore that no agreement could be arrived at by the department of docks and the owners. The last paragraph of this section 5 provides for changing the bulk-head line on the East river, but I do not think is well expressed though it could easily be made to conform to the verbiage heretofore used by the department. Section 6 gives to persons owning bulk-head rights on West street where the new plan has already been executed, the right to acquire the new bulk-head in the same manner as was given to such persons in section 4 of the act or bill, or probably as provided in section 2 of the bill. Many such persons whose rights of wharfage have not been compensated for have now suits in progress for reclamation of damages and this section would destroy all the benefits which have been acquired by long and expensive litigation, whereas it would seem better to have the full benefit of the money expended in litigating such questions. In addition to this, the new bulk-head has in many cases been leased for long terms and sheds have been built upon them. Piers have also been built extending from the new bulk-head which is in front of some of the old ones, and the piers also have been leased for long terms and shedded. The trouble and confusion to business interests and the loss to the city if now the private owners of the old bulk-heads should take possession of these new bulk-heads would certainly be immense. Section 7 provides that the act shall not impair any power now possessed by the department of docks, the commissioners of the sinking fund or the board of estimate and apportionment under existing law."

Q. Mr. Post, you speak of the benefits which have accrued from this litigation; the city has been beaten at every turn, hasn't it? A. No, sir; the counsel for the city contends that the private owner has been beaten at every turn; that is what I am advised by the city; I think that the results of the two suits of Kingsland and Langdon have been in favor of the city.

Q. You think, for instance, when the city paid to Mr. Kingsland $181,000 in cash upon a claim which they rejected altogether in the beginning, that they won the victory? A. I spoke of the Langdon and the Kingsland cases.

Q. I spoke of the Kingsland case? A. Well there are two Kingsland cases; one was for interfering with property held in fee-simple by Mr. Kingsland

Q. Well, do you think the city got great advantage from the upper Kingsland case? A. That is still uncertain.

Q. Is it settled and the money paid? A. You mean the decision of the Court of Appeals?

Q. I mean did that litigation affect a bulk-head between Twenty-fourth and Twenty-fifth streets, as settled by the Court of Appeals and has the city paid the money to Mr. Kingsland, $181,000 additional, and the city got any benefit from that litigation? A. I think it is in the same position as in the Langdon case, the Williams case and the Cornell property.

Q. The city was in the gutter on those cases by the litigation? A. The city lost.

Q. Well, we will come to the Kingsland litigation; do you think the city has made anything by litigation when there is a judgment against it to-day for over $180,000? A. I think that, in view of the verdict of the jury and the decision of the court, it is worth $100 instead of $900; that the dock department and the law department don't know where they are.

Q. If you think those are victories, we will proceed to another case? A. No; a victory in that way; the victory was this, the private owners claimed to be owners in fee-simple of all this property, and I think the courts decided that they were not owners in fee-simple.

Q. I never knew any private owner that claimed that. A. I think that was the contention.

Q. A man can't be owner in fee-simple of an imaginary line; you admit here, practically, that that is a condition of things that ought to be remedied? A. Most emphatically.

Q. And you have criticised the remedy that I suggested as fully as you desired? A. Yes; except one or two points I might make afterwards, or go on with now.

Q. Briefly tell us the other points? A. The points are these, that the city has numerous litigations outside of the one which has been referred to by Mr. Boardman, going on for years, as to their rights in water-front property; one against Mr. Charles Appleby for filling up and taking possession; a great deal of property has been taken possession of by private people in times gone by, and the duty of the dock department has been to investigate into it; the case was carried to the Supreme Court; another suit of the same kind is against Mr. Hagan for filling up certain water-front property; the courts have decided that a whole block of land between one avenue and another, upon which he is building his factory, and everything else, is property belonging to the city, and that he should pay for it; the

Law case and the Webb case — the Law case was decided in favor of the city upon land upon the East river, which decision ought to affect property from Fifth to Tenth street worth millions to the city; the reason I make the point is this, if any action is taken by the Legislature which affects the rights in these things, all the litigation of the past is gone.

Q. Mr. Post, isn't it possible in drawing a bill to shut out any possibility of the rights of the city being affected in this litigation? A. Certainly; if you make that provision as I stated before, if we had equal right, and the dock department knew, and the city knew perfectly clearly what were the rights of the individual, that the proper thing was to give them the right to choose between the two; but I can not see at the present time how they can forestall the action of the courts by the giving the piers to private individuals, which are now in litigation, and which under any circumstances, I believe, will have to be pleaded in the courts, and decided in the courts.

Q. Suppose the bill said they should have the same rights on the new bulk-head that they now have on the old; what then? A. The answer to that would be simply this; the water-front property is pledged to the commissioners of the sinking fund as a mortgage for the debts of the city.

Q. Is my property? A. No; not in any way; whatever those rights are we could not decide; the Legislature can not decide what the right of the citizen is; it can not decide what property belongs to the commissioners of the sinking fund, and what to the private individual.

By Senator FASSETT:

Q. I do not see how that is germane to the question; if I understand you at all, I understand you to say it is impossible to get any relief from this situation until all litigation was at an end. A. No; on the contrary; he asked me that question, and when I went on to answer it, he said: "Stop."

By Mr. BOARDMAN:

Q. I intended first to have you complete your objections to what I proposed; now, I want to have you tell me what remedy you propose? A. The remedies I propose are two, if it is possible, and within the province of the Legislature, to pass some bill by which these dock cases can be taken up and forced through ahead of all others, either through the Court of Appeals, or by some appointment by them of judges to try those cases by name, and settle it in that way, so as to have these things settled by their action; that is one case, and one in which, if such legislation is proper, I should advocate that beyond all

dispute as the first thing; the only other way where I can see that the city can take possession is on a bill similar to that of the aqueduct and school-houses.

Q. You have got that bill now, haven't you? A. No.

Q. Haven't you got a bill now which permits you to condemn? A. In certain ways; the power we have now is to condemn as the street department condemns the streets.

Q. What you want is the power to seize a party's property without paying a cent for it, and giving him a chance to go to law for twenty-five years? A. I haven't asked that.

Q. In plain language, that is what it comes to? A. After the other one, which I prefer should be done.

Q. Then your proposition is to give to this dock department which has already seized and got the property which did not belong to it, and kept the owners out of their property for the last ten or fifteen years — A. [Interrupting.] I have made no such proposition.

By Senator Fassett:

Q. Your proposition is to make a special tribunal, or give you special powers whereby every piece of property that entails litigation, if you get hold of it, may be at once tried and disposed of? A. I have not made any proposition; I want to take that back; you asked me what the remedial legislation could be; I do not say that I propose it, and I do not advocate it.

Q. Well, was my statement correct? A. Perfectly correct, except those suits which would decide this case.

Q. Your second suggestion is, that in the absence of that you shall have such power of condemnation as shall enable you to take hold of the property without purchase and leave them no right — A. [Interrupting.] Allow me to correct you there; I do not make such a proposition; I do not advocate and I oppose it.

By Mr. Boardman:

Q. Is not that what you suggested just now? A. No, sir; you asked me what other remedial legislation was possible, and I told you by which the department of docks could get possession of this property.

Q. When you used the word possible you did not mean to say that you approved of that? A. Not at all.

Q. But the plan that you suggest, in plain English, was this: That the dock department should be given the power, without paying anybody at all; to seize everything? A. No; you misunderstood the whole thing.

By Senator FASSETT:

Q. Have you any suggestions to make which you are willing to assume responsibility for as proper remedies for the situation? A. Yes, sir.

Q. Please give us all you can? A. I am not cognizant with the matters in the Assembly; if the Assembly could pass a bill by which these different suits can be taken out of the common position which they occupy, and can be hurried forward and decided by the Court of Appeals, I think that would be better; I think it would be invaluable to the private owners as well as to the city.

Q. If that could be done, would that be a complete relief? A. I think it would be complete; then, if this decision is made, this question comes up immediately; if, as I have said before, the rights of the citizen and of the city are equal, it would be folly for the city to expend all this money to buy the private property, and they haven't got the money to do it; I am perfectly willing to admit that that bill should have approval, but it seems to me that any action of this kind would not help the private owners, it would not help this difference on the claims of one side or the other without increasing litigation; when you asked me about the remedial legislation, it was simply what possible thing could be done; it was not that I advocated it, because I do not advocate anything of that kind; now, you gentlemen will know what action can be taken by the Legislature.

By Mr. BOARDMAN:

Q. Has not the corporation counsel got a right to prefer these causes in all the courts if he wants? A. I don't know.

By Senator FASSETT:

Q. Where the city is a party? A. I don't know.

By Mr. BOARDMAN:

Q. I know he preferred one of these cases to the Court of Appeals? A. He got that Kingsland case carried up; now, let me ask in connection with this, because I want to have a perfect understanding in my own mind, how we can give the private owners their rights; I never have agreed with the corporation counsel, that there were no rights in the private owners; I believe there are rights; the only question is how are we to settle that; when I am directed by my superiors to do certain things, I have to do them, although it may be a disagreeable duty to perform; I do not accept them; I never have accepted those things except so far as I am obliged to conform to my duties; the

question is how we can possibly do anything; would it not be taking the matter out of the hands of the Legislature and letting the Court of Appeals decide that the private owners have this right.

Q. There is one false impression you have about my position; my clients, these private owners that I represent, are amply able to look out for themselves, and they have gotten all that they are entitled to from the city up to the present time; furthermore, I do not advocate Mr. Anderson's measure; I further concede that there are objections to the measure, but I appreciate the importance and absolute necessity of getting some solution of this difficulty? A. I agree with you and I think we are all of one accord.

Q. We are all of one accord about that, and the question is what is the solution, and I want to get on this record every argument which makes for or against any particular solution of this difficulty? A. If you will suggest some solution, I am perfectly willing to listen.

By Senator FASSETT:

Q. I do not want to take up the time of the committee firing in the air; if you haven't anything to propose, let us go on with something else? A. I am perfectly in accord, I have no doubt, with this committee and with Mr. Boardman, who has tried with all his power as a public citizen to do the best he can; now, if he can suggest anything — he has asked me questions in relation to this bill; I have told him; now, if he can suggest anything —

Senator FASSETT [interposing].— You would criticise his suggestions instead of him criticising yours?

The WITNESS.— I make that suggestion; I think he is one accustomed to legal questions and the customs and habits of the Legislature, because the power exists in the Legislature to do certain things.

Mr. BOARDMAN.— Now, gentlemen, these matters have gotten as far as they have now because the property owners have always been willing to submit these matters to the courts. The Langdon case was submitted to the court under an agreed case. The upper Kingsland case was submitted upon an agreed case. The Williams case was submitted upon an agreed case. We agreed with the corporation counsel upon the facts and submitted the cases to the courts, and if there is any other proposition which anybody thinks is doubtful, I do not see why that proposition can not be determined by the same means, in the same way, upon an agreed case, and if necessary the case carried at once to the Court of Appeals.

The WITNESS.— I agree with you perfectly.

Mr. BOARDMAN.— But this is my candid and honest belief, after having a good deal of experience in these matters. It does not seem to me that the legal advisors of the city of New York want to determine the question, and there is a new dock question every time there is a new decision, and you take a case up which the counsel for the corporation says is a test case and is going to decide something and you get a decision from the Court of Appeals, and the special counsel or somebody else says that it is a special case different from all others. and it doesn't decide anything at all, and we have got to take up another case. That is what has been going on here for the last fifteen years. Why, when this question came up about piers, I proposed myself to Mr. Post that we should make a test case on one of the piers controlled by one of my clients, and I never could get anybody to make a test case about it — a test case whether people who have bought shares in open market and have been in possession of them can have them taken from them and for nothing. It is just like Mr. Carter's advice for them to seize a pier. Whether the advice is given and the dock department say: "How are we going to seize it?" No answer is given to that and the matter has laid quiescent for years. I think it is a question whether the city ought not to be made to fish or cut bait, whether they ought not to be told if they want to take this property they have got to go ahead under the act and take it. and if they don't want it they must let other people take it.

The WITNESS.— I agree with you. The great trouble is whether we can remedy it by legislative action. If you can tell me where I would approve any bill in the world before the Legislature which would remedy it.

GEORGE S. GREENE, previously sworn, called and examined.

By Mr. BOARDMAN:

Q. You are chief engineer of the dock department, are you not? A. Yes, sir.

Q. How long have you been chief engineer of that department? A. Since July, 1875.

Q. You are familiar with what we call the new plan for the improvement of the water front? A. Yes, sir.

Q. Now, please tell us, in a general way, what that plan is and when the different sections of the plan were approved? A. In 1871, after the department was created, we submitted a plan for the improvement of the full water front to the commissioners of the sinking fund for their approval; the commissioners of the sinking fund approved, however, only from the Battery to Grand street on the East river, and

from the Battery to Sixty-first street on the North river at that time; afterwards there was a section approved from Sixty-first to Seventy-second street, on the North river, in 1880; afterwards, in 1887, there was a plan approved for the improvement of the water front from Eighth avenue to High bridge on the west side of the Harlem river, and afterwards again, in October, 1887, a plan for the inprovement of the water front from Eighty-ninth street and Third avenue to the bridge on the Harlem river; then, after that again, in 1888, there were plans for the improvement of the water front approved from Grand street to eighth street and from Seventeenth street to Thirty-fourth street on the East river; those were approved in December, 1888; then, in 1889, there was a plan approved for an exterior street from Sixty-fourth street to Eighty-first street on the East river; those are the only sections where, at any time, the new plan has been determined and approved.

By Senator Fassett:

Q. Is there any power for revision or correction of a plan after once it has been adopted by your board and approved by the commissioners of the sinking fund? A. There is none at present; it is considered that we should have to go to the Legislature for any alteration of those plans.

By Mr. Boardman:

Q. Now, this plan provides, generally, does it not, for wider exterior streets both on the Hudson river and East river, the street to be 250 feet wide on the Hudson river and 200 feet wide on the East river? A. Well, that applies from the Battery to Sixty-first street on the North river, and from the Battery to Grand street on the East river; in other parts of the East river we create exterior wharf street places where none has ever existed in varying width, in some places 125 feet, in some places 150 feet, and in one place only sixty-five feet.

Q. Mr. Greene, of course, all the improvements that have been made by the city, since you have been engineer-in-chief, have been made under your direction? A. Yes, sir.

Q. You are familiar with them? A. Yes, sir.

Q. What changes would you advise in this plan, if it were possible to change it? A. I made and submitted a plan, published in the annual report of the department in 1881, that the land which has been filled in out to the pier-head line — made land — or very nearly to it, should be excavated and replaced with water and piers built in that water.

Q. Between what places? A. Between West Eleventh street and West Twenty-second street.

Q. How many piers could be put in that place? A. Some twenty-one or twenty-two piers; it was submitted and plans made upon it, with maps and estimated, of course, and afterwards, two years ago, it was taken up and modified on account of the location and building of the New West Washington market, and again submitted to the Legislature, in the form of a bill authorizing the department of docks and the commissioners of the sinking fund to amend the plan of 1871.

Q. In that regard and to that extent? A. It simply stated to amend it; it relegated the power to the local authorities.

Q. When was that bill introduced in the Legislature? A. In 1888.

Q. Did it pass either house? A. I think not; I believe it did pass one house, but which one I don't know.

Q. And would you still be in favor of making that change? A. Undoubtedly.

Q. Do you think that the demand for these new piers has increased or diminished since that legislation was proposed by you? A. Probably increased.

Q. Would those piers be in demand at once? A. Oh, immediately.

Q. And at high rents? A. At high rents.

Q. Do you think that you could demonstrate that it would be a good financial operation for the city to do that thing? A. I think I could, and I think I do in my report.

Q. There isn't any doubt that it would be an extremely good financial operation? A. Well, we borrow the money at three per cent, and it will pay ten per cent.

Q. Don't you think it would pay a great deal more than ten per cent? A. It could be made to; but the advantage of that is this: the distance between the Battery and West Eleventh street is now crowded by steamship lines who do a passenger business and also from the business in smaller lots; these smaller steamers go directly to the elevators and pump their grain out and go away; they need very little accommodation; this district is exceedingly crowded, and the prices have been forced up so that they are a heavy tax upon the commerce; for instance, in the case of Mr. Huntington, at pier 37; they intended to keep it as an open pier, but such pressure was put upon them that they decided to put it up at auction; the last bid was sixty-nine or seventy thousand dollars, which Mr. Huntington took; these prices are very high; these people object to making the leap of over a mile, where there are no accommodations, and can't be any, because this

line has been filled down to the pier, and the department had to make a concession to get anyone to go above Twenty-third street; now, if you put new piers along there by the White Star line piers, the people would take them up and it would grow every day; to keep in the neighborhood is a very different thing from jumping out of the neighborhood a mile.

Q. How far would you have to excavate to put in suitable piers there? A. Four or five hundred feet.

Q. Would that involve the change of the course of West street? A. No; if I recollect aright, West street runs in a direct line to join Tenth avenue, and there is a place jogged out there entirely that they may fill out further than it ought to be.

By Senator Fassett:

Q. When was that done? A. Along in 1850; it was part of the Fort Gansevoort steal, of ancient history.

By Mr. Boardman:

Q. What objections, Mr. Greene, could be urged as against that plan? A. Well, I have never been able to convince the powers that be; my board, the board of docks, have approved it several different times, approved it very strongly and urged it strongly some two years ago when they took it to the Legislature and the chamber of commerce and endeavored to have the bill pass.

Q. How about the chamber of commerce? A. They approved it.

Q. Did anybody down here disapprove it, did the mayor, for instance, disapprove? A. I have never heard of the mayor's expression of approval or disapproval of it.

Q. You never knew of any disapproval here? A. It was disapproved by some small people.

Q. The people occupying the small piers now? A. The people occupying the small piers.

Q. It would be necessary to condemn that property, I suppose? A. There is no doubt about that, because their rights are clear and definite.

Q. It is not necessary to have litigation about that? A. No.

Q. You still urge that change in the law? Yes, sir.

Q. Is there any change in that plan which you think ought to be made? A. Yes; there is the change which has been before the department for a long while; that is, the drawing in of the established bulk-head line on the East river between the Battery and Grand street; that has been the opinion of the department almost

since it was first established; that is, there is a record in the department of docks of its having been proposed in 1873, to be changed and drawn in.

Q. How far would you draw it in? A. From fifty to seventy-five feet — something about that.

Q. How wide is the exterior street? A. South street is seventy feet wide; we shoul dmake our bulk-head outside of that some fifty feet or more; the reason or necessity for doing that is, the pier line is cramped on the East river on account of the depth of water and swiftness of the current, and that can be pushed out; but the vessels are constantly increasing in length and the piers are so short that some vessels can not go into the East river at all.

By Senator FASSETT:

Q. There are plenty of deep water slips on the East river? A. Plenty of deep water slips.

By Mr. BOARDMAN:

Q. Now, if power was given to you by the Legislature, would you favor building these new piers at once in this district that you have spoken of? A. Above West Eleventh street?

Q. Yes. A. I would begin upon them as quickly as possible, because, with the appropriation such as we have, and other work to attend to, we could not do more than two a year; but two a year would give people increased facilities.

Q. So that if this change was made, which you think ought to be made at once, it would still take, in your opinion, about ten years to get these piers built? A. Something like that.

Q. Well, in other respects, would you change the plan? A. No; that is all.

Q. Do you know any good reason why the same powers who made this plan in the first place, namely, the dock department and the commissioners of the sinking fund, should not have general power to revise the plan from time to time, as they might think necessary? A. I do not know of any good reason; I think they might be intrusted with that law.

Q. You are familiar, are you not, with these various bills that have been introduced in the Legislature in the past four or five years about piers and bulk-heads, sheds, etc.? A. Generally.

Q. What have you to say, generally, about the policy of such legislation? A. Well, one of the bills proposed to abolish all rights of wharfage on city piers; that, of course, would be very wrong, utterly unjustifiable; that revenue is pledged to the sinking fund and is a

proper return for the expenditure the city has made; others propose to turn piers into parks, virtually; parks are very necessary things; but the water front is very crowded, there is a very great demand for it, and such a proposition as to take sixteen per cent of the piers for parks, public places would seriously diminish the facilities for trade and business on the water front.

By Senator FASSETT:

Q. It is not proposed to take the piers for mere parks, is it? A. In one of the bills; that was a subsequent one that you are speaking of; now, the parks are very much needed, and as near the water front as they can be had, but they should be put inside the bulk-head line, because you can not put a ship there; the only place a ship can discharge her cargo is outside of the bulk-head line; if it is taken from her, commerce would be so much hampered, so much damaged; the other bill which the chairman of the committee speaks of, was to put a promenade deck on the top of the pier shed; that was objectionable because the ship lying alongside of it would not have the seclusion, the exclusion that is necessary for many kinds of business; a cotton ship lying alongside there, or a cotton lighter, would have her cargo much endangered by fire and no shippers of cotton would use such a pier if they could possibly avoid it; there are other piers in relation to —

By Mr. BOARDMAN:

Q. [Interposing.] Are there not engineering objections to putting such a structure over these piers? A. It would depend upon how great was the weight upon them; to get it strong enough to carry people it would be necessary to increase the foundations and the supports between this upper deck and the main deck of the pier where it occupies space which is needed for handling cargoes.

Q. In other words you would have to fill up the space to hold up the promenade? A. Posts.

Q. A course of posts to hold up the promenade, and if you built the promenade strong enough to bear a crowd of people who might go up there, it would have to be built very strongly? A. Yes, sir; very strongly, especially if it was built the whole length of the pier.

Q. As an engineer, do you think it feasible to build piers safely so as to accommodate such a crowd as I have referred to? A. It is feasible, it is practicable to do it if you make no limit to the cost; it is exceedingly expensive.

Q. Can you tell me how many feet of bulk-head there are to treat if you take the whole water front as one piece of property and how

much bulk-head has been treated under the new plan — how many running feet? A. Of the new stone bulk-head we have completed to-day some 9,000 or 9,200 besides much that is in progress and will be completed; the work is going on now; the total distance around the island is some 160,000 feet but no plans have ever been determined in detail as to the nature of the structure that shall be on anything but a few of these sections where the new plan was decided upon; take Harlem river, for instance; anything there is and should be of a very tentative nature; take North river above Forty-second street; it is not decided by any means in which of many ways that portion of the water front will be used; it may be used for the direct transfer of freight from rail to steamer and from steamer to rail and it would need a different structure, different details of wharf from some other use it might be put to.

By Senator FASSETT:

Q. To what extent does this adopted plan go; does it say where prs shall go and how far? A. The plan that is adopted establishes, fixes the bulk-head line, a pier-head line, which is the exterior line.

Q. The farthest point, beyond which the piers can not go? A. Beyond which the piers can not go; and then it fixes a number of piers of different width between pier and bulk-head line and of different locations; but that power to change the width and location of any pier still remains in the department of docks with the approval of the commissioners of the sinking fund, so that the location of which could be changed within those limits at any time.

Q. And how much you could dig or dredge out any given slip? A. Yes; but the new plan for the improvement of the water front does not include the details, whether it shall be made of timber, iron or anything else.

By Mr. BOARDMAN:

Q. How many piers are you actually building now? A. About a dozen.

Q. How long have they been building? A. Some of them have been begun within a month and some within five months.

Q. Leaving the present litigation out of view, how many piers can you rebuild in a year with the present appropriation and at the present rate of progress? A. We could build a dozen or fifteen piers with the proper amount of bulk-head wall.

Q. Why is it that you can not get through with these piers that you think you ought to have if the Legislature should give you power, in

less than ten years? A. Where you have this immense amount of wall to build and the property to acquire it is very slow progress; you can build two there and six or eight or ten somewhere else; it wouldn't be practicable to sweep in a lot of dredging machines and take that all in at once; there are not dredging machines enough to do it all in one year.

Q. But you can build more than two piers in different locations during a year? A. Oh, yes; six or eight of all the varieties that the dock department has passed through.

Q. When you speak of building piers, do you include those that are simply rebuilt according to the old plan, or simply those new piers that are built according to the new plan? A. Well, I intended all piers that are actually built; rebuilding—I do not think that a very good term; repairing is a better term; we always use it.

Q. Yes; I asked you how many piers were building at present, and you said twelve; I simply used your word? A. Building, not rebuilding.

Q. When you say a certain number of piers are building, you mean to include not only those that are building under the new plan, but also those that are being repaired under the old plan? A. No; I do not mean that—repairs of a different order of work; a different kind of work; I mean that we have now under contract or building ten or a dozen piers.

Q. All on the new plan? A. No; one of them is not on the new plan.

Q. That is being repaired, isn't it? A. No; that is a temporary structure under the law of 1887.

Q. When you speak of it you include it among the dozen? A. I include it among those being built.

Q. I would like to know what would be your estimate of the cost of the completion of the new plan, if it was completed as far as you have got a plan? A. Oh, it would be some 40,000,000; something like that.

Q. That without any allowance for land damages, or cutting of rights, or anything of that kind? A. No; it can not include that.

Q. You mean 40,000,000 actual outlay for construction? A. For construction.

Q. But that would not provide for taking or acquiring the rights of the owners of piers, or the rights of owners of bulk-heads? A. No.

Q. Then, Mr. Greene, if it is necessary to pay anything to the owners of piers or bulk-heads to extinguish private rights, the city can not go ahead energetically with this plan, can it, because the limitation of debt would be exceeded, wouldn't it? A. Well, I don't

know whether the limitation of debt has got to be exceeded, because the assessed valuation seems to raise pretty —

Q. [Interposing.] Well, they can always arrange that matter by putting up the assessed valuation, can't they? A. It seems to me so; I am not very familiar with it.

By Senator FASSETT:

Q. They increased the assessed valuation of 1890 from 89,000,000, or something like that, to 138,000,000, wasn't it? A. I don't recollect.

By Mr. BOARDMAN:

Q. Mr. Greene, we are talking now about a plan under which if carried out by the city all the surplus indebtedness that is possible under the law would be absorbed in looking after the dock department; can you tell me about what proportion current indebtedness as of the city, the indebtedness for which it issues bonds, is indebtedness that is incurred on account of the dock department? A. Well, we have had in some twenty years of the department's existence some sixteen millions of bonds issued for the uses and purposes of the department.

By Senator FASSETT:

Q. What have you got to show for that? A. The running expenses, the constructions which we have made and increased revenue from those constructions.

By Mr. BOARDMAN:

Q. But the city has very much less to pay by the issuing of bonds for the dock department than it has for other departments; I mean to say the requirements of other departments are very much greater than the requirements of the dock department? A. Oh, yes; but they are not paid out of bonds, they are paid out of taxation, the expenses of other departments.

At this point (4.30 P. M.) the committee adjourned to meet at 11 o'clock to-morrow, Saturday morning, January 24, 1891.

SATURDAY MORNING, *January* 24, 1891.

Present — Senators Fassett and Stewart.

HENRY M. DIMICK, being called and duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. Mr. Dimick, what is your business? A. I am in the transportation business; I am manager of the Metropolitan Steamship Company, in the city of New York.

Q. Have you ever been a dock commissioner? A. I have.

Q. When were you appointed a dock commissioner? A. I was appointed dock commissioner in May, 1875.

Q. And how long did you serve? A. Until in the fall sometime, 1881.

Q. Have you given special attention to these questions with reference to the docks of the city of New York? A. I have.

Q. You have used water front yourself, haven't you? A. For a great many years.

Q. How many years? A. Twenty.

Q. Where is your water front located that you now occupy? A. Piers 10 and 12, the bulk-heads on the North river.

Q. So that you, Mr. Dimick, have considered this question from both standpoints, haven't you; from the standpoint of the city, as a dock commissioner, and from the standpoint as an occupant of the property? A. I have.

Q. Are you familiar with the plan for the improvement of the water front, so far as it affects the district in which your piers are located? A. I used to be very familiar with it; I suppose I am now; yes; I am familiar with it.

Q. You know, in a general way, what that plan is? A. Yes, sir.

Q. And you know about the location of the new piers on the plan? A. Well, I know about where the location is; I have forgotten the exact locations, all of them, if that is what you mean.

By Senator Fassett:

Q. The general scope of the plan you understand thoroughly? A. Yes, sir.

By Mr. Boardman:

Q. The general scope of the plan? A. Yes, sir.

Q. Now, state what the general scope of the plan is, so far as it affects that lower Hudson river district? A. Well, the general idea of the plan is as evident, from an inspection of it, to make a street 250 feet wide with a permanent fixed bulk-head line, and then from that bulk-head to run piers fewer in number than are there now and wider.

Q. And longer? A. Probably, not much longer than those that are there now; some of them are longer; some of them are probably as long as any that would be put there, or about as long.

Q. And to alter, or not to build those piers, necessarily on the same location as the existing piers? A. No, sir; to readjust the existing pier lines. While making the piers wider you have to change

them more or less, and sometimes entirely from the present location, and drop out some.

Q. Now, take the district on the Hudson river from the Battery to Jay street, to what extent has any work been done there to carry out the new plan? A. Well, they are commencing now; there was one stone pier at the Battery, one stone pier has been built which you are familiar with; between that and the property that used to be occupied by the Anchor line — it is being re-built now, I believe by the department — between those places, that is about pier 20, is it not, Mr. Greene?

Mr. GREENE.— Yes.

The WITNESS [continuing.]— Pier, old No. 20, between those places there has not been anything done. They are just commencing. Of course, the department itself can give you perhaps more accurate details than I can. I only know what they did in general, from what I knew when I was there, and have kept a general knowledge of since. The general proposition is that there has not been anything done to carry out the new plan? A. Between the stone pier and old pier 20, there has not been anything done so far as I know, and above that, between that and Jay street, there has not been a great deal done, or something. The Erie railroad property has been rebuilt on the new plan, and some little work done.

Q. What is the reason that there has been so much delay about carrying out this plan. This plan was adopted nearly twenty years ago, was it not? A. Yes, sir.

Q. What is the reason of the delay in carrying it out? A. Well, that is rather of a large question, but I fancy myself that a large part of the reason is the difficulty for one cause and another of acquiring that real estate, acquiring the property to carry it out; of course, there is not any use, I take it, in undertaking to carry out this plan until very large arrangements are made to acquire a sufficient territory on which to carry it out; and I should suppose that the difficulty of acquiring that foothold was the fundamental cause of the delay; there might have been others, if that had not existed to some extent the difficulty of getting the money and so on, but I should say that the fundamental difficulty was the difficulty of acquiring sufficient property on which to properly carry out the plan.

Q. Do you know of any difference between the conditions as they exist to-day and the conditions as they have existed for the past twenty years which would make it easier to acquire the property now than it had been for the past twenty years? A. Well, they have had a good deal of litigation and some decisions; I suppose you are not

examining me as a law-expert; I am not able to say precisely how much nearer to a practical acquiring of the property these decisions have brought the department.

Q. You have been examined as a witness in almost all these cases, have you not? A. Well, I have been examined a great many times, Mr. Boardman.

Q. And you have read the opinions of all the courts, have you not? A. Well, I don't know that I can say that I have read the opinions fully of all the courts, but I have read some of the opinions, probably some of all of them.

Q. You think you understand the scope of these various decisions, do you not? A. Well, I have probably a fair idea of them for a layman.

Q. You know what the position taken by the department was when you were a dock commissioner, don't you? A. Yes, sir.

Q. You know what the various positions taken by the department in the last twenty years have been, don't you? A. Well, I suspect I have a pretty fair general knowledge of them.

Q. Now, I ask you whether there is any light in the darkness, whether we are in the same position now that we were twenty years ago? A. Well, I don't think you are in the same position that you were twenty years ago.

Q. Are we in a better or worse position? A. Well, as I said before, how much practical progress you have made in the direction of acquiring property, I am not able to state; I should think there was a good deal left to be done.

Q. Can you designate any particular in respect to which there has been any progress? A. Well, the Court of Appeals, in a case that I believe you are somewhat familiar with, has announced some doctrines that I suppose the city officials think has cleared ground somewhat on some of the questions; I believe they have announced some things that the property owners are not entitled to be compensated for and I suppose that may be one step of progress and perhaps if you go on long enough you will take step after step and make a good deal more; I can't say how long it will take if that is what you mean.

Q. Well, can you give us any idea how long it will take to complete that improvement between the Battery and Jay street under the existing conditions? A. Well, of course, Mr. Boardman, I can not be expected to answer a question of that kind with very much accuracy; I am forty-eight years old; I do not expect to live long enough to see

that part of the city improved on the new plan under the present law but I may be disappointed; my expectation of life is fair, I think.

Senator FASSETT.—Perhaps, Mr. Boardman, you might ask Mr. Dimick if he has any suggestions to make.

Mr. BOARDMAN.—I am coming to that in the end; I just want to bring out these facts clearly.

Q. Now, the problem is to widen West street from seventy feet to 250, to build a permanent bulk-head along the bulk-head line as widened, as the street is widened and to build a certain number of new piers in accordance with the plan; that is the problem, is it not? A. That is the present problem, the present plan.

Q. That is the present plan and legislation was obtained for that purpose and the plan was approved about twenty years ago? A. About twenty years ago.

Q. There has not been a foot of bulk-head built, or a single pier built, and you think that although twenty years have passed that it is very doubtful whether you live to see that improvement carried out? A. In that particular part of the city.

Q. That is what I mean, in that particular part of the city? A. I should say so under the present conditions of things; I should say that that was my opinion.

Q. Now, Mr. Dimick, what demand is there at the present time for water front locations in the city of New York, particularly on the Hudson river, from the Battery to Jay street? A. Well, I am not particularly informed about the precise demand at this precise moment, but I know in general that the demand for property in that locality is always far in excess of the supply.

Q. Do you think there is any question with which the city officials have to deal which is as important as this general question, how the water front of the city can be best handled and utilized in the interests of the city and of the public? A. That is a very large question, Mr. Boardman, but I will say that it is a question of very vast importance; if you undertake to ask me whether there may not be questions affecting life and health and liberty, and all sorts of things that may not be more important, of course, I can not say, but I think it is a question, as far as the commercial importance of the city is concerned, that is the vast underlying question.

Q. Now, Mr. Dimick, have you given any thought to this question, whether, if the legal difficulties could be removed, it would be for the interest of the city that this improvement should be made on the Hudson river, between the Battery and Jay street, at once, and on the

plan, I mean, that has been adopted; have you given any thought to that question? A. Yes, sir.

Q. What results have you reached? A. I have no doubt but what it would be of great importance that this plan — perhaps with some modifications — that, I suppose, you do not now inquire about.

Q. No. A. That some such plan as this should be carried out.

Q. You mean immediately? A. I think it would be in some parts of the city — I do not mean that it all ought to be carried out at once, in all parts of the city — but I mean to say, it would be a good thing, and a very important thing, for some such plan as this to be carried out as rapidly as possible.

Q. Particularly in this section that I refer to? A. In those sections, if it can be done under proper conditions.

Q. Tell me what those proper conditions would be; in other words, what solution do you think there is for this difficulty? A. Well, if I understand your question, I should make such an answer as this to it — it may be rather a long answer.

Q. Well, I want it to be long and comprehensive? A. I have always entertained, personally, very great doubt as to whether the people of the city of New York would be willing to have the city enter upon such a gigantic scale of purchase of property for the purpose of any improvement; I do not desire to argue the question, but merely to indicate the reasons why I have come to that conclusion; whatever else may be said for municipal government in this country; I don't think it would be claimed for it by its best friends that it was a machine that was particularly well adapted to the management of large property interests as such; I suppose a great many people would think that a very conservative statement; I have never believed that when the people came to consider what it was to constitute one of the departments of our municipal government, the most gigantic landlord in the history of the world, and in the management of property that was the most important of any to this city, to have it have the whole of it, I have never believed that that question would commend itself to the people of the city; we have not proceeded but a step here and there in the progress towards that, and I do not think the question has been fairly presented, but, in my judgment, whenever the scheme should become comprehensive enough to arrest the attention of the people by its vast magnitude it would be considered as entirely out of the question; I do not think the people would be willing to make investments that should approach the hundreds of millions of dollars, on the belief that in the average run of events that we should have such a management of that vast property as was best;

I do not believe that they would care to intrust such vast power to any department of the city government, and, therefore, I have always thought that when this question came to be seriously considered, and any progress should be seriously made or attempted to be made they would recognize that we would have to depart from that notion, and I have, therefore, always believed that when this question came to be seriously attacked it could only be done in one direction, and that would be this; of course, as a matter of government and regulation, the municipal authorities must prescribe the kind of improvement to which they and everybody else must conform, but I have believed that there would sooner or later.

By Senator FASSETT:

Q. As they do in the building department, for instance? A. Yes; and much more radical than that; they must prescribe a plan to which everybody must conform; of course, the building department allows a very great variety of things as long as they are not objectionable; I have always supposed that legislation would be adopted that would give under proper restrictions — of course, it is a question of vast detail, but I do not think it is all beyond the power to deal wisely with every detail — I have always believed that the question would be in the way of permitting under proper restrictions and conforming to proper plans the people who might be in the ownership of this property to improve it in a suitable way; that, in a word, or perhaps in many words, is my belief of what the ultimate solution of this question will be whenever it comes to be seriously considered, which I do not think it ever has been yet.

Q. Well, do you think, Mr. Dimick, that this is a good time to take the subject into serious consideration? A. I think all times are good times for taking subjects of this importance into serious consideration; I have suggested somewhat these ideas a good many years ago, but it does not do for a man to be too far ahead of his time and I have concluded on my part to sit down and allow the community to catch up; you may think that you want to take hold and push them a little faster.

Q. Well, do you think it is important? A. Oh, very important.

Q. That the matter should receive serious consideration now as against twenty years hence? A. Oh, yes.

Q. And do you think that it will make any difference to the city of New York in the matter of revenues, in the matter of taxation, in the matter of commercial importance, whether these questions are considered now or twenty or fifty years hence? A. Oh, yes.

Q. With the advantage in favor of taking them up now? A. Oh, yes.

Q. Mr. Dimick, did you have anything to do with the passage of the act of 1875, authorizing the shedding of piers? A. I did; that is, I had a great deal to do in the way of urging its passage.

Q. That was before you became a dock commissioner, was it not? A. It was at first; I had been working for two or three years, to impress the Legislature with the importance of such legislation, and it was finally passed and signed, I believe, a few days after I became a dock commissioner.

Q. Now, Mr. Dimick, will you please take up that matter, and in a long and comprehensive answer tell us exactly why such legislation was necessary, what objects such legislation has served, and why there is any necessity for any amendment of that legislation, if you think there is? A. Well, the reason that the legislation became important was that the business on land in this country had stopped being done by stage coaches and wagon trains and had commenced to be done by railroads, and on sea had commenced to be done by steam; that was what made it necessary; a hundred years ago when there was no steam power in existence, there was a plan for using the water front here that was entirely adequate to that condition; nobody wanted a regular place to do business; nobody could use one and a plan that was suitable then was that there should be a great central office somewhere for the distribution of berths; a sailing vessel would arrive, go to this central office and get some location and would advertise that it was going to discharge there for a week or two, or two or three weeks, and then it would advertise that it was going to load somewhere else or there; and that was a very fair contrivance to suit the wants of such a time, but when railroads and steamships commenced to be built and used, as their use increased, it became, of course, absolutely necessary to have a fixed place for doing business that a man could control, that he could fit up for the purpose of doing his business, just as it is important for a railroad train to have a depot at some fixed place and not stop everywhere or nowhere, and nobody knows where it stops; of course, it is too simple, I suppose, to enlarge upon; it is the necessity that came because the business had been revolutionized.

Q. But you have not explained why it was necessary to have any legislation to get sheds? A. Because the legislation was still in conformity to the old plan on the theory that nobody could get any place to do any business at.

By Senator FASSETT:

Q. The Legislature absolutely forbade sheds, didn't it? A. Well, it; did not permit them under the system of law that had not been changed as a system but in practice it was not possible at that time for anybody in any way to acquire a right to come twice to the same place in the city of New York, no matter whether they owned it or hired it or whatever they did; there was no way provided by law practically by which anybody could get a right to come twice to the same place with some local exceptions; it is not necessary now to go into those; I therefore thought it was time to conform the legislation of the State of New York to the condition of business in the State of New York for the Legislature not to require everybody to submit to everything for the purpose of getting simply the privilege of doing business; these sheds existed before or else New York would not have existed; these piers were controlled by people before; they were controlled by reason of the fact that the public officials that the State of New York sent down here to assign berths to people, became engaged pretty much in assigning money to their own pockets for the privilege of allowing people to do business at the places they controlled, and I thought it was time to stop it, and after two or three years work I finally succeeded in getting the Legislature to recognize the fact that the commerce of New York had a right to live and breathe and have its being, and that is all that that law does practically.

Q. That law in effect gives to the department of docks the power under certain terms and conditions to grant to steamship and railroad companies engaged in steam transportation the right to occupy certain property exclusively? A. The right to erect suitable structures on property that such people either own or lease and then when they have conferred that right those people become entitled during the existence of that right to the exclusive use of that property.

Q. And that legislation you think is necessary in order that commerce should live here under the present system? A. Why, there can not be any question about it; the thing is too absurd for serious question.

Q. Mr. Dimick, you are familiar, are you not, with certain proposed legislation during the past two or three years to a certain extent attacking the policy of the shed law? A. Why, it has been attacked in that kind of way ever since it existed, periodically, ever since the law was passed; I am familiar with that all; yes.

Q. Just tell us in a general way what the nature of those attacks has been and the arguments used in favor of changing the policy of the law? A. Oh, there has been quite a prevalent idea that these

piers ought to be a sort of combination between a park and a beer garden; a sort of a public place where people who did not have much of any business and wanted to occupy the most valuable place in the city for nothing could have it, where the real business could be turned out and the tramps could occupy and possess; that, I think, is about the real fundamental idea at the bottom of all that kind of legislation.

Q. Is there not another idea that is hardly as extreme as that, namely, that there is some business of the old style still left? A. Well, that is a fact; there is no doubt but what there ought to be some provision made for some of that kind of business.

By Senator FASSETT:

Q. For what are called tramp vessels and barges? A. For sailing vessels and lumber, and all that sort of thing; that ought to be provided for; but there is no difficulty in getting that provided for under the present conditions and under the present arrangements, and I think, so far as that little legitimate cause exists, it is made a pretext for other things rather than a real controlling force.

Q. Now, when you were a dock commissioner, you had some experience, did you not, in reference to this very matter of providing suitable places for the unloading of this casual freight? A. Yes.

Q. And, as a matter of fact, did you have any difficulty, under the existing law, in giving everybody a place to do business? A. Of course, there is always difficulty; in this condition of things, when there is not enough to go around; you can not ever give everybody all they fancy they want or all perhaps it would be well for them to have.

Q. If the supply is limited? A. If the supply is less than the demand; under such circumstances it becomes very important instead of having a Legislature that won't know anything about details to pass upon it, to have a board down here that knows all about it to pass upon it; that only increases the necessity of having that supervised, having that situation controlled and supervised by a local authority that knows something about it; I think there would not be any considerable difficulty if the commissioners of docks could carry out in any way this plan fast enough, could make some other changes and alterations which, I think, I could suggest myself; you are asking me what I think about it; in doing those things, I do not think there would be any considerable difficulty in making suitable arrangements for all that class of business.

Q. Without changing the existing law? A. Without changing the existing law to any great extent; I don't know that it would be

necessary to change it at all; I don't know how much detail you want me to go into.

Q. I want you to go fully into the matter, because the purpose of this investigation is to see whether the law ought to be changed in any of these particulars and to suggest legislation? A. I don't think myself that the law would need to be changed, so far as providing accommodations for all this business that may be called transient is concerned, if there was any way that you could carry out this plan; for instance, I think in a condition where there is a demand that is much greater than the supply, you are bound to do everything to utilize the present supply that you can; now, I would say that for unloading coal, for brick and all that sort of thing, that it is not reasonable to suppose that these brick schooners, for instance, can come and land their brick on the bulk-heads, or on the piers, and let them stay there; the city ought to be in a position to fit up, at suitable places, such a pier in a way that would be best fitted up for the rapid handling of business, and I should say that it ought to be connected with the yards across the street, where you could establish depots, and where, by contrivances that could be made, that would move across the street a track easily, they could run into these yards, and so establish places that would be able to do ten times as much business, at a given pier, as you can now under the present arrangements, and so in reference to all that class of business; a few places, judiciously selected, and properly fitted up in connection with the property across the street, for instance, which might require, perhaps, some additional legislation, a few things like that could be done, which would increase the utility of the use of that kind of property to a very enormous degree.

Q. And relieve the pressure? A. Yes.

Q. We examined, yesterday, the president of the dock board, the present president, and also the engineer-in-chief, to a certain extent, and with reference to certain suggestions made by them, looking to new legislation, and I would like to tell you what those suggestions are, and get your views about them; one suggestion was this: it was said, that as the law now stood, the plan, when adopted by the commissioners of the sinking fund became fixed, and could not be altered, excepting in the matter of the location of the piers, without new legislation, and it was suggested that, to meet such points as you have now raised, it would be desirable for the Legislature to give the powers that made that plan, in the beginning, the power to alter the plan in any matters of detail, such as you have spoken of?

Senator FASSETT.—Previous to the work having been entered upon?

Mr. Boardman.—Previous to the work having been entered upon.

Q. Do you think such a change in the law is desirable? A. Yes; I think it would be desirable myself; I might think it ought to be accompanied by some restrictions possibly, but I think that the general idea is a good one.

Q. The restriction that they suggested was that it should be approved by the commissioners of the sinking fund? A. I don't know whether I should say that there ought not to be some restraint against going out too far into the river; I am not sure that I should not say that; but I think that they should have the power to modify the plan and contract it.

Q. Isn't that feature of the matter, going out into the river, regulated at Washington? A. Well, they, I believe, establish lines, but I don't know that — are we out to those lines, Mr. Greene?

Mr. Greene.— No; not on the pier-head line. We are generally on the bulk-head line; They have established those.

The Witness.—I do not mean that I think the dock department should be restricted in putting out piers. I mean simply in reference to extending this bulk-head line after you have built it on this enormously expensive plan I should think likely it would be better not to do that, only indicating that it might possibly require some restriction; I should not be afraid to trust the present officials, but it might be that some restrictions would be desirable; but the idea I assent to.

Q. Now, then, this suggestion was made by the engineer-in-chief, looking towards new legislation; he says that there is quite a stretch on the North river between West Eleventh street and West Twenty-second street, where the piers are very short, practically useless for the larger purposes to which they ought to be applied, and that it would be a good thing to have the ground excavated there so as to make long piers and practically make that stretch of water front available for the larger purposes, for which it might be made available, and that that would be a good financial operation for the city, the piers being rentable at sums which would pay the interest on the bonds and a good deal more besides, and it would be a good thing to do, and that it could not be done under the existing law and that he thinks that the law ought to be changed in that regard; do you agree with him about it? A. I agree with him entirely from your statement of it; I have not read his testimony, but I agree with him entirely if his views are as you suggest.

Mr. Beekman.—You can not pass the bill.

Mr. Boardman.—Then if the committee does its duty and recommends that, and they can not pass it, it is no fault of ours.

Mr. BEEKMAN.— They tried twice to pass it.

Q. Another point Mr. Greene suggested to be covered by legislation is this: He thinks that the plan, so far as the East river is concerned, which provides the marginal street of 200 feet up between Grand street and the Battery, should be changed by narrowing that street to 150 feet; do you agree with him about that? A. I always had that view.

Q. What, Mr. Dimick, do you think about the general policy of permitting the department of docks to absolutely control the sheds erected over these piers and bulk-heads, so as to put into the power of the department, at all times, the existence of these structures; do you think that is a good policy? A. Well, Mr. Boardman, there has never been any evil come from its exercise, so far as I know, at the present time; I do not think it is an ideal condition of things; my own judgment would be that if the people were ready for it, and I think they will be sometime, that more fixed and suitable rights should be conferred upon the owners of this property, which everybody admits to be important, not quite so much left to discretion; I haven't thought that there was any oppression that came from the present condition of things, or was likely to come from it, so far as exercised by the department, and I haven't thought that it was probably time to agitate for any particular change in that direction, but if you ask me what my idea of the situation is —

Q. Suppose you were being consulted about the proposed legislation covering a good deal of ground, and dealing with all the questions which would come up for consideration if the whole subject was to be dealt with by the Legislature, wouldn't you think it was a fair question for the Legislature to consider whether more fixed and suitable rights ought not to be given to the people who need these sheds for their business? A. I should; whenever the time comes to take this whole subject up, to deal with it in one comprehensive manner with reference to getting this water front improved by its owners, as I first suggested, I should think that that was one of the things that should be taken into consideration as an element in the situation.

Q. Mr. Dimick, you said a moment ago that your solution of this difficulty, was that the private owners should under certain restrictions, and subject to certain governmental control on the part of the city, be permitted to improve their own property in accordance with this plan or some plan, but that there were practical difficulties about carrying out that plan — that is your idea — but that you thought that the difficulties could all be overcome? A. Yes, sir.

Q. Now, what are the difficulties, and what in your opinion is the solution of the difficulties? A. Well, of course, I don't suppose that you expect a catalogue of every difficulty that I could think of, if I had time, but some of the more obvious difficulties in detail would arise from the very complex condition that exists; for instance, take the bulk-head, any new plan contemplates that there should be less bulk-head away from piers than there is now; it contemplates therefore a readjustment of the ownership any way; it might happen that a man who had some bulk-head — it would happen that a man who had some bulk-head at the present, even if you should say he could build a bulk-head out in front of him, might not have the same quantity and there might be more that would be available to him in a given place or less; of course, the difficulty of detail to be adjusted there, would be that somebody or other should pass upon the terms and conditions upon which he should be permitted to occupy a little more or a little less and improve it; so about the piers; the pier lines would be changed; perhaps the man finding himself an owner or in possession of a pier forty feet wide to-day would find that somewhere on his forty feet, or on a part of it there had been located a seventy-five or eighty foot pier that was to be built; obviously he should not have the privilege of building a seventy-five or eighty foot pier because he had a thirty or forty foot pier before, but he ought to make such compensation as is suitable to the city for the increased area that he occupied; so it would happen even in regard to changes of ownership that adjustments could be made between some parties by change of equal quantities here for equal quantities there; I have always thought the dock department, perhaps subject to the approval of the sinking fund, should pass upon all such questions of detail; there might be a great many of them; I do not suppose you wish me to enumerate them all.

Q. No; not go into those minor details, but wouldn't you think, Mr. Dimick, that as the dock department is now constituted and the sinking fund commission is now constituted, representing simply one side to this controversy that it would be fair that men who are not mere representatives of one side should determine questions of this character? A. I do not see, Mr. Boardman, how you can do it; it is not exactly as you suggest; the question is: Suppose these rights were conferred, one man wants to get something that he does not possess, and he wants to get it of the other party, now I do not see how you are going to have but two parties to that transaction, the man who wants to get and the man who wants to sell; when you get somebody else to come in and say what the man who wants to sell should

get for it you approach confiscation in the other direction; nor do I think there would be any practical difficulties in the way.

Mr. BOARDMAN.—I would like to examine Mr. Beekman and also Mayor Hewitt in reference to this dock investigation and Mr. Beekman would like the committee to fix the date so that he can be advised before he leaves the room. I would like to get through the investigation just as soon as possible because I really think this question ought to be considered by you for the purpose of legislation.

Mr. BEEKMAN.— I would like to say in connection with the matter that efforts have been made by the city government from year to year to clear up this vexed question in regard to the water front of the city by proper legislation and the city has never been able to secure legislation that it considered necessary for the purpose of unshackling its hands to deal with a great problem like this, and if it can secure from the Legislature sound legislation upon this subject it would be of the greatest possible assistance to the interests of this city; I do not know of anything of more importance than this.

Senator FASSETT.—I think, Mr. Boardman, if we can get a room here we would come down Friday, a week from yesterday, at 11 o'clock and we will hear Mr. Beekman and Mr. Hewitt and any other gentlemen of expert knowledge at that time — Friday and Saturday if that is convenient to you.

Mr. BOARDMAN.— Oh, that is convenient; Mr. Beekman, I stated at the beginning of this investigation before you came in that the object of this investigation was to put on the record every fact which may be for or against new legislation and that we wanted to have this committee's report to be a comprehensive statement of the situation with reference to the docks and every fact which is for or against new legislation.

[At the request of Mr. Boardman the last answer of the witness was repeated.]

By Mr. BOARDMAN:

Q. Now, Mr. Dimick, is not that what is done practically when land is taken or property is taken for a public purpose; does not the court or someone else appoint commissioners who are supposed to be fair minded and who decide as between a railroad company that is trying to condemn and the property owner what the thing is worth? A. Yes; but that is because of the principle of the right of eminent domain in the community; they invoke the right of eminent domain, but I never heard of an individual invoking the right of eminent domain against the city.

Q. The individual is at present in the possession of his property which he wants? A. Yes; but your proposition is to take it from the city who owns it or has the right to give it, and therefore you say that he should get somebody to say how much the city should take; that would be the announcement of eminent domain between an individual and the city in another direction; I never heard that that was so.

Senator FASSETT.— Isn't there this difference, that when this property was so condemned and taken, although it is done in the name of an individual, it is certainly done for a public use?

Mr. BOARDMAN.— That isn't what I am getting at. I want to make this perfectly clear. I want to get Mr. Dimick's idea about it.

Q. Mr. Dimick, suppose you are the owner of a pier at the foot of Charlton street, and that pier is leased to the Inman Steamship Company, the only difference being that you get the rent and put it in your pocket; now, the city, under the act of 1871, attempts to take that pier in carrying out a general plan, does not disturb the Inman Steamship Company at all, but simply transfers the rent from your pocket to its pocket, paying you what it considers adequate compensation; why is that more a public use in the hands of the city than it is in your hands? A. That is a legal question which the courts have not been called upon to pass upon; if they should come to the conclusion that it was not for a public use, the city could not do it; if that is not conferred to public use, the public does not have the right against an individual.

Q. Can you imagine anything nearer confiscation than the Legislature to authorize the city to take, at its own valuation, property of an individual? A. I don't understand that the Legislature has ever done that; I think that would be confiscation pure and simple.

Q. Is not that your suggestion, that the city officials should decide? A. Not about taking your property, but selling some of theirs to you to help you out; I do not suppose for a moment that the city would have the right to say what you should take for your property, but I say that one of the difficulties would be this, that if a man should find himself in the possession of a pier forty feet wide, and he wants the right to build one seventy-five or eighty feet wide, I say somebody must be clothed with the power on the part of the city to say, if it takes somebody else's property, and you are going to make this trade, what this man should give for these increased privileges; I do not say that the city should be clothed with the power to say what you should take for that privilege.

Q. How would you deal with a question of this sort: John Smith has got his pier thirty or forty feet wide, as the case may be; the city says that there shall be a pier there seventy feet wide, and that he shall build it; you would give them the power to say that? A. No; I do not say that the city should have the power to say that he must build it.

Q. He may build it? A. Yes; he may build it, provided he makes the right terms.

Q. I accept that as fair, but suppose the condition being this: You can leave your pier there if you like, we can not disturb it, if you want the privilege of building a wider pier in a certain location, in accordance with this plan, then you must pay us what we say is a fair compensation for the use of the land under water? A. Yes, sir.

Senator FASSETT.—When you had built, but you must build it according to the plans of our engineer, which are on file.

The WITNESS.—Yes, sir.

Q. Now, what will happen with the man who says he won't build it? A. This property is extremely valuable; any increased facility for use is worth a great deal of money; now, then, if you propose the plan on behalf of the city, and that really gives an increased facility, there is no doubt but what the man who can get it will want to improve it, if it is good for anything; if your plan is a delusion or a snare, he won't pay anything for doing it and he ought not to do it at all; you submit your plan; it is a practical test of usefulness; if you propose a plan that gives added facility, there isn't any doubt but what the man will want to acquire it, and you therefore have got the very stimulus to aid in carrying out this plan; then if he won't do it, you have still left you the power to coerce him by condemning his property; if he stands there and won't do it, you must still retain that power; and if you have a plan of any merit, the force that you have between a man's desire to utilize it and a man's fear that if he don't utilize it his property will be taken away from him is enough to carry it in my judgment.

Q. But after all it depends upon the goodness of the plan? A. Of course, if you make a plan that is better than the one that exists, everybody will want to avail himself of it.

Q. Do you think you could make a plan for the improvement of this particular section that I have referred to between the Battery and Jay street, which, while being fair to the city, would be sufficiently advantageous to the private owners to induce them practically of their own accord and without coercion by legal proceedings to go on promptly with the execution of the plan? A. Yes; I think so.

Q. Will you tell me what features your plan would contain? A. That is a pretty big contract.

Q. It is; this is a difficult subject; if you do not understand it, nobody else does; and we are trying to find out what legislation is required to make it possible to get this improvement? A. Well, I assumed that you do not desire me to go into infinite detail about this matter, but if you ask me what my own judgment is about it, I say this, that whenever the subject is ripe for comprehensive treatment, I should say that if the private owner should have this right conferred on him, it ought to be accompanied at the same time by a little more definite fixing of his right, and by making some of these privileges, which everybody concedes must be exercised in the discretion of somebody — giving them a little more fixed tenure in the first place.

Senator FASSETT.— A more accurate legal definition of his tenure?

The WITNESS.— A more accurate legal definition of his tenure. If you are going to take up this matter in a comprehensible way with a desire to have this property improved, I should define its character a little more accurately — take it out of the realm of speculation. I would make it a little more fixed in the owner, and I would have it that, irrespective of the ownership of this property and of the bulk-head, whether it was in the city or in anybody else, a street 250 feet wide attached to the bulk-head to be used with it. I think that that would increase its commercial use to the very greatest extent. I don't know if the present laws are sufficient to justify that. I am rather of the impression that they are, although I should leave no doubt on that subject if I was going to take that matter up and treat it in a comprehensive way.

Q. How would you utilize such part of the street as you would attach to the bulk-head? A. Oh, I would declare it to be a part of the bulk-head and to be used like any other part of the water front.

Q. And shedded? A. Certainly; if you attach fifty feet, you would have a street — I am not limiting myself to the size of the street — if you made it fifty feet, you would have a street 250 feet wide, which is as useful, for every purpose, as if it was 8,000 feet wide, and you would have the use of that bulk-head; otherwise, a line is not of any use to anybody; a fixed line can not be used for any purpose on earth; if you are going to discharge anything there, you have got to use a part of this bulk-head; in practice, nobody knows exactly what a bulk-head is now; you used, sometimes more, and sometimes less, or else you do not use the bulk-head at all; the first step you take to utilize a bulk-head, you put something on the land adjoining it, and unless you do

that, you are throwing away your bulk-head; I would not leave the position as it is now, that no human being knows where the bulk-head commence or ends; I would say fifty feet, if you chose, and that is the bulk-head, it can be used like any other part of the bulk-head; build this from something that is absolutely uncertain and absolutely useless, into something that is fixed and useful.

Q. Now, if that feature were worked into this plan, do you think that the owners of property around there in your section, where you do business, in order to get the increased room to do business, would be willing to carry out the plan at their own cost? A. I do.

Q. You think that it would be proper, under such circumstances, that they should pay the entire expense of constructing the stone wall, the sea wall, and the filling, and making the improvement? A. Well, I am rather inclined to think they should; I would hold that matter in advisement; but my present inclination is that they would be willing, and could afford to.

Q. Is there any other feature of legislation that you think is worth mentioning? A. There are such an infinite number of details about this matter; I have not given this subject any recent attention, and I should hardly like to sit down here in the witness' chair and draw up a bill under oath because I might want to give a little more reflection to it; I think the matters that I have suggested are all that occur to me at this moment, and the most important to be suggested at a time like this; of course, there are a great number of details to be suggested, and the drawing of a suitable bill to carry it out would take a great deal of time and would need to be done under the supervision and advice of such people like Mr. Post and Mr. Green, and these gentlemen who have devoted a great deal of time to it; I am not undertaking to state all the things that ought to go into it; I have only indicated a few of the larger questions that strike me as important.

Mr. BOARDMAN.—It does not occur to me that there is anything more that I can ask him.

Senator FASSETT.—There are a few questions that I want to ask.

By Senator FASSETT:

Q. If this plan is carried out the city would then itself be through its dock department, for all practical purposes, the substantial owner of the entire water front of the city of New York? A. The present plan?

Q. Yes. A. That is the scheme that is contemplated by the present plan, as I understand it, that the city should become the owner of all the water front of the city of New York.

Q. Then the dock department would be in the control of a plant for the purposes of commerce, at a cost in the neighborhood of $120,000,000, or $130,000,000, or $140,000,000? A. It is not important, a few more tens of millions of dollars.

Q. It is so great a cost that a few millions wouldn't make much difference? A. Don't stop at ten or twenty or thirty millions.

Q. What I wanted to get at was whether it was the magnitude of the cost of the plan that made it objectionable for the dock department to be the landlord of it, or whether it was because of the enormous powers which are wrapped up in the use or abuse of the property? A. I think it is objectionable in both respects; I do not believe that any municipal government in this country—

Q. I am asking this question without reference to the *personnel* of this or any other board? A. I so understand, and my answer is the same, and without any comparison between this city government or any government, I want to be understood as saying that a municipal government is not the fittest instrument to collect the revenue from two or three hundred million dollars of property, simply as property; I do not think they would get the proper results out of it, nor do I believe that they ought to be trusted with such power; I would give them the governmental power, but when you come to the property itself, the handling of it and its vast revenues, I think it is too much power to repose, if you can avoid it, in the municipal government or any of its agencies, in the long run.

Q. I want to get at this very carefully, because there is some little difference of opinion on that subject; after the plan is completed, suppose it costs $200,000,000 to complete it and place it on its feet, in accordance with the conception of the originators of the plan, then the first duty is the duty of maintaining it and repairing it; is it fair to say that two per cent is the deterioration of such a plan?

Mr. Boardman.—More than that.

Senator Fassett.—I will ask Engineer Green. Could you average up the percentage of deterioration on the entire plan; would it be safe to estimate two, three, four, five or six per cent?

Mr. Green.—Five or six per cent.

Q. And that would itself involve an annual expenditure of eight o ten million dollars? A. Of course, that would depend upon what you would multiply with.

Q. Take $200,000,000? A. My estimate is not fixed on any particular sum.

Q. That is objectionable on account of the enormous size of the plan? A. That is objectionable on account of the enormous size of the plan.

Q. Now, the use of that property substantially involves what? A. The collection of these vast revenues, and the power — I don't undertake to say that anybody is going to exercise it, but the potentiality of abuse in becoming the landlord of the water front of New York and dealing with its many tenants would be a pretty large thing.

Q. It substantially, so far as this city is concerned, places the commerce that comes under the control of the dock department? A. Yes, sir.

Q. Then if there are abuses here, they might drive it to the more friendly shores? A. That, I suppose, is a fair supposition.

Q. How would that trouble be remedied if the present proportion of individual ownership was continued? A. Well, of course, in the first place, it would not require the investment of anything like such a large sum of money on the part of the city.

Q. Well, with reference to commerce? A. And in the second place, it would be mitigated very largely in the first place, much more largely than the proportion — the mitigation would be in the first place in proportion — you might say that you don't think it safe if the city is to become landlord, as she is likely to be, by simply holding what she has got; many men may think that, but anybody who thinks that would certainly think that she ought not own any more; there is a great corrective power in having the property owned by a hundred or a thousand people than by having it owned by one man.

Q. There is a possibility of relief against any improper ruling of the board? A. Against any improper management; of course, there is the open market still left to you; there is enough to make a market.

Mr. BOARDMAN.— Just take a practical illustration; suppose that the Pennsylvania pier fell in; if the Pennsylvania Railroad Company had to deal with the dock department and could not by any possibility get any other water-front property in the city of New York; if you have only one landlord, you can realize to what extent the Pennsylvania Railroad Company would be in the power of the department.

The WITNESS.— If you have a hundred possibilities you have a great many more than a hundred chances of relief.

Q. It becomes a first-class monopoly? A. The law contemplates a close monopoly when it is carried out.

Q. This law was invented, was it not, by that prince of inventors, William M. Tweed? A. I don't know who invented it; I don't suppose

politics had very much to do with it, but I think the possibilities are very great of evil in it.

Q. There is too much possibility in that? A. Yes, sir.

Mr. GREEN recalled:

By Mr. BOARDMAN:

Q. Before I ask this question, I will simply state this, now that Mr. Dimick has gone: I honestly believe that if Mr. Dimick were the mayor and corporation counsel of the city of New York for a month, he would settle this dock question, and every question that there is about it.

Q. Mr. Green, I want to ask you this question; before suggesting legislation in reference to this stretch that you have spoken of, where twenty new piers could be out in, the committee will probably want to know how much it would cost, what the outlay would be; have you ever made an estimate of that, so that you could tell us about how much it would cost? A. Yes.

Q. Well, about how much would it cost? A. It would cost altogether about eight or nine million dollars; that is, taking the value of the property, the assessed valuation, and adding sixty per cent to it.

Q. Adding sixty or forty per cent? A. Sixty per cent.

Q. To the assessed valuation of the property, and allowing for the twenty new? A. The regular cost of constructing.

Q. And including the bulk-head and all? A. Oh, yes.

Q. That money could be borrowed, you assume, at about three per cent? A. Yes, sir.

Q. So that the total annual charge would be not over $270,000? A. Yes.

Q. And what do you think would be the charge for maintenance and administration of that property? A. Oh, it would be very small.

Q. Comparatively small? A. Yes; it would not be felt particularly; to the extent of perhaps $1,000 or $2,000 per annum in the general administration of the department; it would come in with it, and it would not be noticeable.

Q. So that you think that $300,000 would be an outside figure as representing the additional burden upon the city if this improvement should be carried out? A. Yes.

Q. Now, as to the revenues; what do you think those piers and bulk-heads could be rented for? A. I think they could be rented for about $40,000 apiece.

Q. That is to say, about $800,000 for the twenty per annum? A. Something of that kind.

Q. And would you include anything for the use of the bulk-heads? A. No; that would include the bulk-heads.

Q. That would include the bulk-heads? A. Yes.

Q. So that your idea of that would be that if that improvement was carried it would cost the city per annum — about $300,000 per year, not to exceed that? A. Yes.

Q. And that it would let as revenues about $800,000 a year? A. Something of that kind.

Senator FASSETT.— Suppose it did not pay over $100,000 on the investment, would not the business facilities afforded, coming in and out of here, be reason enough for the work being done?

The WITNESS.— Ample reason.

Q. After all, from the standpoint of the interests of the great city, is not that and would not that be the first consideration? A. I think it should be; but other people demand — the question we are always asked is, "How much is it going to pay?" if we make any proposition to the commissioners of the sinking fund for approval they always ask for the cost and what it would pay.

By Senator FASSETT:

Q. You have been the chief engineer of the department since 1875? A. Yes.

Q. Will you kindly tell me what your duties are as such? A. I am the executive officer of the department; all the work of the department on the water front is under my charge.

Q. Is all work of every name and description involving repairs or construction under your charge? A. Yes, sir; by the city or by private individuals, and all the dredging, maintenance of the proper depth of water, and everything that is done by the department except the collection of the revenues and the bookkeeping; the dockmasters are not under my charge.

Q. The dockmasters are not under your charge? A. No, sir.

Q. The class of officers called wharfingers? A. No; dockmasters performed their duties; the secretaries and clerks on pier A and the dockmasters are not under my charge; everything else in the department is.

Q. You do not, then, have the control of the matter of leasing the piers or collecting the revenue? A. No; those are done by the board through other subordinates than myself.

Q. But all the other work of the department is substantially under your supervision? A. Yes, sir.

Q. What is the method pursued by the board, if you are familiar with it, of obtaining this revenue; how is the property which the

city owns disposed of to lessees or the public? A. Certain of the property is leased, that is, the right to collect wharfage upon the piers and bulk-heads is leased.

Q. Is farmed out the right to collect? A. Yes; the right to collect is what we lease, is farmed out; most of that, if not all of it, is paid directly to the treasurer by the lessee; some of the piers are not leased, that is, the right to collect wharfage upon them is not leased and the department collects it through its own officers called dock-masters, and they make their returns to the treasurer.

Q. Then the third class, where the dock department leases directly to corporations and individuals? A. Oh, well, the lease is of the same kind and nature; it is merely granted in two different ways; one is by vote of the board and decision of the board and agreement with the lessee, and in the other case it is put up at public auction and sold to the highest bidder.

Q. Would not that be the best way to dispose of all wharf and bulk-head and pier property that the department has at its disposal, except such as it desired to keep open? A. No; I think not.

Q. Why not? A. Well, in the first place, that would prevent the department continuing any particular line of business at its old pier or place, which, I think, is of very great importance; a line of boats should not be driven out of the city, should not be broken up, should not be driven away from where it can transact business; in the next place, I think that that would result in the formation of a syndicate association who would gradually obtain the leases of the whole water front and make anyone applying for a loan simply subject to the evils of one landlord, as was suggested by the previous witness.

Q. Well, is that a practical imminent danger? A I think it would certainly follow the making of all leases by public auction.

Q. Is there any way in which the income to the city under the existing condition of things, can be materially increased, do you think? A. Well, only by enlarging the facilities, building new walls and piers.

Q. You think you are getting now from the property as large a revenue as you think it is possible to derive from it? A. From the existing property I think it is as large as it ought to be.

Q. My question is based on that? A. Yes.

Q. How about this farming out process; if these leases make a good handsome profit out it, could not the city just as well manage that through its dockmasters? A. Well, as a matter of fact, when a man leases a pier or buys the right to collect wharfage, he succeeds in getting a little more of a preference in the use of that pier, though he is not legally entitled to it, because other people who might wish o use it are ignorant of their rights or of the method of obtaining

their rights, and in that way there is possibly some profit made out of them more than the city could make by these leases.

Q. Their benefits then come substantially by practising on the ignorance of the applicants? A. I say that may occur in some cases; they also have their own vessels which they wish to berth at the piers and succeed in having them get the preference of the piers leased by them.

Q. In relation to these commissioners, if their duty consists almost exclusively in counting-room business, in letting out and collecting, why could not one commissioner do the work, instead of three? A. Well, the board of docks is vested with power to make rules and regulations under which the individual may be fined and imprisoned if he should violate them; that is a legislative function, and a legislative function should not be exercised by one person.

Q. What regulation, for instance? A. Fines for throwing things overboard.

Q. Fines for cumbering up a dock? A. Fines for cumbering up a dock, damage to a dock — various rules and regulations which have the effect of law and the violation of which is punishable by fine and imprisonment.

Q. Is that the only reason? A. Then they have such extensive powers and confer such privileges that I think it would be unwise for any one man to attempt to exercise them, because suspicion of the public as to his motive and as to his action would be great.

Q. That is, the quality of their powers, rather than the extent of their duties, which makes it proper to retain three commissioners instead of having one? A. That is one; another is, that by having three commissioners all action is taken in a public meeting; you can hardly have a public meeting with one commissioner.

Q. Well, the mayor is one commissioner, and his powers are more extensive than those of the dock board, and yet you have a single-headed mayor? A. In regard to what?

Q. In regard to every function which the mayor is called upon to perform? A. Yes; but he acts as a chairman, the head of an executive body confirming or approving.

Q. They have very little of that power? A. The mayor on the board of estimate and apportionment sits as chairman, and is one of them and the commissioners of the sinking fund in the same way and the board of street opening and improvement in the same way; he is one of a legislative body.

Q. Have you here in the room that you could spare, the last annual report of the dock commissioners? A. Yes, sir.

[The witness produces report and hands it to Senator Fassett.]

Q. May I keep this? A. Yes, sir.

By Mr. Boardman:

Q. Mr. Green, what does the board do with applications of this character; we are dealing now with a section of the city where there has never been any bulk-head built at all; there has been a plan approved for the erection of a permanent bulk-head by the city under the general scheme of the act of 1871, but the city has not got to the point when it wants to go ahead with that work; in the meantime a property owner makes an application to the board for permission to build a bulk-head and do the necessary filling; what does the board do with that kind of an application? A. It generally offers to by the property.

Q. Then when it does not agree with him about the price which is invariably the rule, is it not, what does it do? A. Well, there have been two occasions in which a permit has been granted to the owner to build upon the new plan the bulk-head in front of the land owned by him — upon the land under water owned by him; those permits, however, were granted by a majority vote of the board; the board has never been unanimous in granting any such permit.

Q. Only two permits of that character have been granted? A. That is all I recollect.

Q. And how many applications of the character that I have described have been made? A. That is all I recollect at present; there may have been one or two others; those are the only two that have ever been pressed or prominent; I don't know but what it might be said that somebody else might have made an application, but I don't recollect.

Q. When were those permits granted? A. About a year and a half ago.

Q. By these present commissioners? A. Yes, sir.

Q. And what conditions were annexed, if any, to the permit? A. Simply that they should build them at their own cost and expense.

Q. And own them? A. I don't think anything was said about that in the permit; as I recollect the permit, there was nothing said about it.

Q. Your idea is then that the private owner asked for permission at his own cost and expense to build the improvement, but it was to belong to the city as soon as it was built? A. No.

Q. Well, what? A. His idea was that it should belong to him.

Q. What was the arrangement, I mean, that was made between the city and him? A. I don't think that was settled.

Q. Don't you think that that is a fairly important point to settle in such a case? A. Yes; I thought if I were the owner that I would prefer to have it more definitely settled.

Q. Well, was there any owner who is still at large who built the bulk-head under such an arrangement? A. Well, I don't recollect, Mr. Boardman, that there was any condition in their permit.

Q. Then if that fairly represents the position taken by the department and the time that has elapsed since the passage of this act as compared with the amount of work done to carry out the new plan, if that fairly represents the progressive force in the department, how long do you think it will be before this water front will be improved? A. I don't know.

Q. Were you present in court when Mr. Dimick made an estimate based upon the duration of his own life? A. Yes.

Q. Do you agree with him, as to when this entire plan around the island will be carried out? A. Yes; I certainly never expect to live to see it, nor anybody here.

By Senator FASSETT:

Q. Right on that point; I suppose Mr. Green means that there is something practicable that can be gotten out of that — unless there is some change in the laws there is no hope for any material change in the present condition; there is no prospect opening out before this dock department that they can go on and carry out the plan? A. The trouble is that the law calls for a complete plan surrounding the entire island; now, without attempting to state any limit to the rate of porgress of this city, I think it will be a very long time, a hundred years, perhaps, before the whole water front of this island is going to be used for commercial purposes.

Q. Well, admitting all that? A. Now, then, the other point, as to what can be done without a change of law, the first thing it seems to me that should be done is to settle these disputed points of ownership and values; when those are settled then you can work under the present law, or you can make a change.

Q. Then comes up the time to consider, does it not, the excellence or the demerits of the scheme? A. Of the scheme.

Q. Whether it is proper that the city should be the landlord of all the water front or not? A. Those decisions will probably settle the question decidedly as to whether the city is to own all the whole water front or whether it is not; for instance if Mr. Carter's opinion that there is no ownership in piers, that they are simply licensed, should be sustained, there would be no private ownership, and the city would own them all; if on the other hand his opinion is not sustained, and the title to those piers is confirmed to the present owners, the claimants, then the city in my opinion could never afford

to buy them ond never will buy them, and the ownership of the water front will be partly by the city and partly by individuals, as it is now.

Q. Now, I want to call your attention to the case of Mr. Bradish Johnston? A. Yes, sir.

Q. Who either owns or represents the owners of the bulk-head between Forty-seventh and Forty-ninth streets? A. A water grant, not a bulk-head.

Q. There is no bulk-head there? A. No, sir.

Q. But he has got a water grant? A. Yes, sir.

Q. And that water grant is in the usual form and contemplates the construction of a bulk-head? A. Yes, sir.

Q. When he is permitted to build it by the city officials? A. Yes, sir.

Q. Do anything, no matter what the demand for water front facilities is until the city officials say that he can build some sort of a bulk-head; that is the situation of the law, is it not? A. Yes, sir.

Q. Now, is there a demand, in your judgment, for a bulk-head between those streets; if it was built, would there be anybody who would be accommodated by it? A. Yes; probably.

Q. You think the public would be accommodated, that it would be a good thing to have a bulk-head built there? A. Yes.

Q. Is Mr. Bradish Johnston, or are the people whom he represents, anxious and desirous of building a bulk-head there at their own expense? A. I don't know.

Q. Have they made an application to the department for permission to do it? A. I think they did.

Q. What was their application? A. Their application was to build a bulk-head; it may have been that it was to build a crib work or timber bulk-head filled with stone, and my recollection is that the board granted them permission to build a masonry bulk-head such as the department built in certain places, and that they have never availed themselves of that permit.

Q. Well, that is one of the permits about which you spoke a moment ago? A. Yes, sir.

Q. A permit which you say neither you nor anyone else would ever, by any possibility, avail of? A. Oh, no; I did not mean to say anything of the kind.

Q. The proposition of the department to them is this, is it not: "If you like, gentlemen, you can build this stone bulk-head, which costs $300 a running foot to build on the line, and we won't give you any rights in it after it is built, it belongs to the city, but you can spend your money there if you choose;" that is the proposition, is it not?

A. No, sir; that is not what I meant to say; I understood you to say what the terms of that permit were, and I meant to say that so far as I recollected the terms of the permit did not specify anything in relation to the ownership of it.

Q. That was the position of the city; what is the difference between your position and mine? A. That the board does not make any concession or grant anything in any way in relation to that point; the owner claims his property and the department does not say anything about it, leaves that question unsettled.

Q. One difficulty with these matters is that there are a great many legal questions unsettled? A. That is the great difficulty.

Q. Now, then, the department has got the power, has it not, to make a contract with Mr. Johnston, which will leave nothing unsettled; it can do that, can it not? A. Yes; if they can agree.

Q. I mean it has the legal power to do it? A. Yes.

Q. It is admitted that this is an improvement which ought to be made, is it not? A. Yes, sir.

Q. And that he has made an application for permission to make it? A. Yes, sir.

Q. And the only permit that you granted to him is a permit which you say, does not deal with the question at all, and leaves it unsettled? A. I think that is it.

Commissioner POST.—That law says, distinctly, that a new plan should only be built by the city, and the reason that action was taken there, was that they took the risk; the board of docks can not give authority to anybody, as the law reads, and as we are advised by the corporation counsel repeatedly, to build on the new plan.

Q. This whole thing is surrounded with a maze of law; now, let us just analyze this thing a little more; did Mr. Bradish Johnston, meeting this difficulty about the cost of erecting this new stone bulk-head, ask permission to put an ordinary crib bulk-head inside of the line; did he ask that? A. Instead of the present established bulk-head line?

Q. Yes. A. I don't remember whether he did or not.

Q. Now, Mr. Green, upon the theory that nothing is going to be done up there, between Forty-seventh and Forty-ninth streets, for the next twenty years or so, by the department, can you see any reason why Mr. Bradish Johnston should not have permission, at his own expense, to improve his property by putting in such a bulk-head as that, and utilize it until Mr. Carter dies and the dock department gets the advice of somebody else? A. Did I see any objection?

Q. Yes; is there any objection? A. I do not see any practical objection; there is some legal objection, on account of which the department was advised not to grant such permits some years ago.

Q. Twenty years ago? A. No; ten or twelve, I think.

Q. Has the department, do you think, got any new advice on the subject during the last ten years? A. Well, we get advice from time to time.

By Senator FASSETT:

Q. The trouble is this, the new plan which is the law, contemplates that the city shall own all this bulk-head and build it all? A. Yes.

Q. And therefore the department feels that it is in some way estopping or substantially violating the law by giving permanent ownership to any number of feet? A. Yes, sir.

By Mr. BOARDMAN:

Q. It does not consider itself estopped from permitting people to rebuild piers under the law? A. Not where they own them, or are in possession rather.

Q. Nobody questions the rights of Mr. Bradish Johnston? A. Oh, no.

Senator STEWART.—I would like to ask exactly what those rights are, what they cover, what sort of fee he has in the property; if a fee, how far it extends; if to land under water and if not—what is the ownership in this Bradish Johnston property; have they a deed?

Mr. BOARDMAN.—They have got a water grant from the city of the land under water, under which they have filled in, and which gives them by its very terms the right to collect wharfage and cranage at the bulk-head erected on the bulk-head line. Then having got that water grant from the city, for which they have paid the city, they find that one of the provisions of this water grant is the usual provision, namely, that they can not build that bulk-head until they are permitted by the city to do it. That is the usual provision of all these water grants; then when they ask this permission they run up against this legal wall, which everybody runs up against as soon as he presents himself anywhere near the dock department, and although everybody admits that the permission ought to be granted, that it is a hardship on Mr. Johnston that it is not granted, that the public interests are not subserved by continuing the present condition of things, still the features of Mr. Carter bloom up and nothing whatever can be done; that is the position as I understand it; Mr. Carter won't have it.

Senator FASSETT.— You don't suppose Mr. Fassett is responsible for the law.

Q. Don't you think that an effort ought to be made to straighten this thing out so that men situated as Mr. Bradish Johnston is situ-

ated can at least utilize their property until the dock department gets ready to utilize it? A. He was granted a permit by the board of docks to build a bulk-head or river wall upon the new plan in accordance with the plans and specifications used for building such structures by the dock department on the two blocks where his water grant extended and he did not see fit to avail himself of that permission but wanted something else.

By Senator STEWART:

Q. That would take in an outlay of about how much money, Mr Green? A. Sixty thousand dollars.

Q. Per block? A. Per block.

Q. One hundred and twenty thousand dollars that would be? A. One hundred and twenty thousand dollars or $125,000.

Mr. BOARDMAN.— And the city refuses to recognize his right to the bulk-head after it was built.

The WITNESS.— No; I did not say that.

Senator STEWART.— Mr. Carter would say the city could take possession of that property at night and appropriate that $120,000.

The WITNESS.— No; it is a bulk-head; when Mr. Johnston obtained his grant from the city, he obtained the right to collect wharfage on the outer edge of Thirteenth avenue.

Mr. BOARDMAN.— I understand.

The WITNESS.— Three hundred or 400 feet outside of the present established bulk-head line; now, he has not any right to collect any wharfage by the terms of his grant nor in any other direct or definite way that I know of upon this new bulk-head line of 1871.

Mr. BOARDMAN.—I understand that point. You understand that these lines have been changed, these exterior lines, from time to time, and Mr. Bradish Johnston has got from the city the sole and exclusive right to collect wharfage and cranage oposite these two docks, but with the change of line, he has not got a right, unless the city grants him permission, to construct his bulk-head on the new line, and I understand the only thing the city will do for Mr. Bradish Johnston is to say "you can build at your own risk on this new line a bulk-head to cost $120,000, and we will give you no guarantee whatever that you will own it when it is built or have any right in it whatsoever."

Senator FASSETT.—So far as this committee is concerned, we could not, of course, try out the equities between Mr. Johnson and the city. But as an illustration it is perfectly proper.

Mr. BOARDMAN.—That is all it is; simply an illustration of one of the features of this case that ought to be dealt with by legislation.

The WITNESS.—There are about thirty of such cases before the department. They do not urge them or notify the department of their hardship.

Senator STEWART.—It is not so much any private suffering of this peculiar individual method, as it is of public suffering.

The WITNESS.—That is it.

Senator STEWART.—All this front is lying there useless, and if it was used, we would have then so much more bulk-head facility, and then we would have a dock facility, which the city would own and have a right to build, and would build.

The WITNESS.—Well, the piers are pretty well built up in that section of the city now.

By Mr. BOARDMAN:

Q. What remedy, Mr. Green, is there for this position now, from Mr. Bradish Johnston's standpoint, and what is the remedy from your point of view; suppose the Legislature had never met for the next twenty years, is there any way in which this thing could be arranged? A. Well, I don't know; the power might be conferred upon the dock department to give it; of course, the dock department can not do anything except what the Legislature has authorized it to do; it hasn't any power in such cases as this to do anything but purchase the property, by agreement if they can, otherwise by condemnation; that might be remedied by extending its power or arranging in some way that justice might be done in a case like Mr. Johnston's.

Q. You think that the power does not exist in the dock department now to authorize Mr. Johnston to build a bulk-head, a temporary bulk-head, upon the line fixed by his water grant, and to enjoy the emoluments of that bulk-head until the city takes it, and then you think that the city will indemnify Mr. Johnston for his injury when that bulk-head is destroyed? A. I do not know that there is any legal power to do any such thing.

Q. Don't you think that it would be a good plan to have the law amended in that regard so as to utilize it, give somebody power to do that thing if it was deemed best? A. Yes; but I think it more important to carry out the new plan than to make makeshifts and not carry it out and delay its completion.

Mr. BOARDMAN.—So do I; that is all.

Senator FASSETT.—Are there no other witnesses?

Mr. BOARDMAN.—No other witnesses this afternoon.

At this point (1.10 P. M.), the committee adjourned to meet at 11 o'clock on Friday morning, January 30, 1891.

EXHIBIT No. 1 — JANUARY 23, 1891.

Comparative statement of revenues and expenditures of the department of docks from the organization of the department in May, 1870, to January 1, 1891.

FOR YEAR ENDING MAY FIRST.	Total gross revenue from leased wharves, wharfage, etc.	Total annual expenditures audited.	Expended for acquired property.	Expended for construction, including salaries and pay-rolls.	Expended for general repairs, pay-rolls, office expenses, incidentals, and salaries.	Excess of receipts over expenditures.	Excess of expenditures over receipts.	Excess of revenue over amounts paid for general repairs and office expenses.
1871	$315,524 54	$486,449 12	.....	.....	.....	.....	$170,924,58	.....
1872	412,859 93	1,075,605 61	.....	.....	.....	.....	662,745 68	.....
1873	447,328 01	622,878 03	.....	.....	.....	.....	175,550 02	.....
1874	479,361 51	932,710 32	.....	.....	.....	.....	453,348 81	.....
1875	589,361 06	1,536,204 33	.....	.....	.....	.....	946,843 27	.....
1876	650,781 88	692,603 96	.....	.....	.....	.....	41,822 08	.....
1877	706,607 78	433,089 90	.....	.....	.....	$273,517 88	.....	.....
1878	853,816 92	486,934 69	.....	$431,591 46	$55,343,23	366,882 23	.....	$798,473 69
1879	762,122 37	373,425 68	.....	288,799 38	84,626 30	388,696 69	.....	677,496 07
1880	810,465 41	599,768 63	$203,530 00	319,258 89	76,979 74	210,696 78	.....	733,485 67
1881	865,071 89	640,481 57	.....	552,949 30	87,532 27	224,590 32	.....	777,539 62
1882	1,062,162 54	1,180,097 44	.....	870,920 18	309,177 26	.....	117,934 90	752,985 28
1883	1,162,893 96	953,007 85	.....	757,725 01	195,282 84	209,886 11	.....	967,611 12
1884	1,246,858 19	760,106 80	.....	621,941 72	138,165 08	486,751 39	.....	1,108,693 11
1885	1,187,217 14	1,020,207 51	328,062 75	470,854 70	221,290 06	167,009 63	.....	965,927 08
1886	1,228,151 80	376,789 72	121 65	249,417 69	127,250 38	851,362 08	.....	1,100,901 42
1887	1,260,036 58	389,169 82	.....	216,582 41	172,587 41	870,866 76	.....	1,087,449 17
1888	1,320,684 81	1,069,538 62	75,613 45	715,504 31	278,420 96	251,146 19	.....	1,042,263 85
1889	1,418,440 62	1,218,483 76	6,300 00	1,000,251 26	202,932 50	199,956 86	.....	1,215,508 12
1890	1,487,930 71	1,316,370 65	180,037 53	927,150 21	209,182 91	171,560 06	.....	1,278,747 80
To January 1, 1891	1,119,232 23	1,138,103 87	116,545 14	887,201 36	134,357 37	.....	18,871 64	984,874 86
	$19,386,909 88	$17,302,027 88	$910,210 52	$8,319,147 78	$2,293,128 31	$4,672,922 98	$2,588,040 98	$13,491,956 86

Total gross revenue to January 1, 1891	$19,386 909 88
Less total expenditures to same date	17,302,027 88
	$2,084,882 00

During the period 1871–1877, the expenditures were not classified as in subsequent years.

The amount received by the city from the rental of ferry slips is collected by the finance department, and is not included in the above statement of revenues from leased wharves, etc. The sum thus collected is stated in Exhibit No. 2.

Section 717 of the Consolidation Act of 1882 provides, among other things, that "all rents, fines and penalties and other money collected by said department, or by its direction, shall belong to the treasury of said city, and be paid into the sinking fund for the redemption of the city debt." In accordance with this provision the above revenues from leased wharves, wharfages, etc., have been paid into the city treasury on account of the sinking fund.

EXHIBIT No. 2 — JANUARY 23, 1891.

Comparative statement of amounts collected by the finance department for ferry rents from 1880 *to* 1889 *inclusive, per comptroller's report, July* 1, 1890.

1880	$66,593 44
1881	443,148 81
1882	233,147 78
1883	253,368 70
1884	271,239 74
1885	296,591 29
1886	240,786 47
1887	307,139 13
1888	346,390 75
1889	326,559 21
Total	$2,785,065 32

EXHIBIT No. 3 — JANUARY 23, 1891.

Statement showing the annual issue of bonds on account of the dock department, from May 1, 1870, to January 1, 1891, and the amount of interest thereon during the same period. These bonds are due thirty years from date of issue.

	Per cent.	Amount.	Total.	Interest.
From May 1, 1870, to May first:				
1871	7	.....	$500,000 00	$21,194 84
1872	6	.....	350,000 00	55,394 52
1873	7	$750,000 00	1,650,000 00	158,184 61
	6	900,000 00		
1874	6	280,000 00	459,000 00	169,096.12
	7	179,000 00		
1875	6	1,311,200 00	1,481,000 00	242,365 74
	7	169,800 00		
1876	6	600,000 00	645,000 00	308,034 40
	5	45,000 00		
1877	5	.....	455,000 00	332,841 99
1878	5	.....	503,000 00	355,867 56
1879	5	.....	422,000 00	380,559 36
1880	5	.....	595,000 00	403,569 78
1881	5	471,000 00	616,000 00	433,511 11
	4	145,000 00		
1882	4	.....	1,177,000 00	473,514 01
1883	4	.....	885,000 00	515,317 09
1884	4	540,000 00	1,060,000 00	548,425 54
	3	520,000 00		
1885	3½	1,150,000 00	1,255,000 00	584,370 09
	3	105,000 00		

1886	.....	.....	.....	611,818 00
1887	3	.....	500,000 00	619,733 24
1888	3	.....	900,000 00	641,518 00
1889	3	.....	1,100,000 00	674,061 83
1890	3 2½	1,650,000 00 450,000 00	2,100,000 00	700,816 29
To January 1, 1891	.....	.....	.....	493,942 37
Totals	.....	.....	$16,653,000 00	$8,724,136 49

EXHIBIT No. 4—JANUARY 23, 1891.

Comparative statement of the expenditures of the dock department in detail from May 1, 1885, to May 1, 1890.

	May 1, 1885, to May 1, 1886.	May 1, 1886, to May 1, 1887.	May 1, 1887, to May 1, 1888.	May 1, 1888, to May 1, 1889.	May 1, 1889, to May 1, 1890.
CONSTRUCTION ACCOUNT.					
Advertising	*$311 45	.....	.....	.....	.....
Cement	1,205 00	$3,147 55	$8,962 31	$18,355 46	$29,823 82
Coal for tug, pile-drivers, etc	2,087 13	2,732 99	4,870 41	5,215 13	7,023 06
Contracts for building new piers and bulk-heads and cement shed	87,508 78	25,127 76	281,589 04	434,311 01	196,319 95
Dredging	29,159 84	24,028 00	99,442 40	122,341 60	91,190 95
General expenses, including insurance, plumbing, gas-fitting, workmen's tools and maintenance of floating plant and department yards	17,709 60	17,301 91	24,971 04	35,381 45	89,318 70
Granite, rip-rap, broken stone, cobble, sand and brick	7,604 44	5,584 49	28,679 16	44,139 44	51,166 05
Iron, steel, spikes, nails and mooring posts	1,873 07	.....	.....	.....	.....
Lumber, piles and creosoting	17,309 16	9,865 39	77,190 76	83,335 98	95,288 99
Stationery, printing and maps	*1,022 51	*1,470 55	.....	.....	.....
Towing	2,630 00	.....	.....	.....	.....
SALARIES.					
Commissioners	9,000 00	9,000 00	9,000 00	8,614 52	9,000 00
Office of engineer in chief	21,970 22	.....	.....	.....	.....
Construction force	19,133 91	44,960 89	53,070 07	58,758 73	67,727 67
PAY-ROLLS.					
Surveying force	7,321 68	.....	.....	.....	.....

Captains, engineers, crews and watchmen on floating property	27,219 78	73,362 88	.....	.....	.....
Blacksmiths, laborers and watchmen in department yards	6,892 21	.....	.....	.....	.....
Masons, dock builders, laborers and watchmen on works	39,471 10	.....	127,729 02	198,797 94	290,291 02
GENERAL REPAIRS ACCOUNT.					
Contracts for repairing piers	.....	23,808 04	87,397 86	83,070 25	118,656 21
Dredging	.....	59,212 10	83,783 17	.....	.....
Lumber and piles	.....	13,296 68	12,874 27	6,364 09	6,596 02
Miscellaneous expenses, including painting, cleaning piers, towing, etc	.....	1,301 00	.....	.....	.....
Printing	.....	620 00	2,324 31	3,986 16	2,837 80
Pay-rolls: Dockbuilders, laborers, watchmen, carpenters, inspectors and engineers	20,850 88	21,183 76	44,255 56	62,199 80	41,833 75
ANNUAL EXPENSE ACCOUNT.					
Advertising	†78 55	.....	.....	.....	.....
Office rent and contingent expenses	10,196 40	.....	.....	.....	.....
Stationery and printing	2,865 05	6,472 12	8,315 92	8,064 44	1,454 44
Salaries: Officers and appointees	43,192 19	46,693 71	41,469 87	39,247 76	37,804 69
ACQUIRED PROPERTY ACCOUNT.					
Wharf property purchased during the year on West street, N. R.	121 65	.....	75,613 45	6,300 00	180,037 33
	$376,789 72	$389,169 82	$1,069,538 62	$1,218,483 76	$1,316,370 65

*Included in general expenses. †Included in miscellaneous expenses.

EXHIBIT No. 5 — JANUARY 23, 1891.

Statement showing number of piers and how owned.

CITY PIERS.

North river	79
East river	40
Harlem river	4
Total	123

PRIVATE PIERS.

North river	30
East river	29
Harlem river	19
Total	78

OWNED IN COMMON.

North river	5
East river	24
Harlem river	0
Total	29

Piers owned by the city	123
Piers owned by private parties	78
Piers owned in common	29
Total	230

North river, city piers	79
North river, private piers	30
North river, piers owned in common	5
East river, city piers	40
East river, private piers	29
East river, piers owned in common	24
Harlem river, city piers	4
Harlem river, private piers	19
Harlem river, piers owned in common	0
Total	230

Shedded Piers.

North river.

City piers	35
Private piers	22
Piers owned in common	3
Total	60

East river.

City piers	8
Private piers	8
Piers owned in common	8
Total	24

Harlem river.

City piers	0
Private piers	2
Owned in common	0
Total	2

Unshedded Piers.

North river.

City piers	44
Private piers	8
Piers owned in common	2
Total	54

East river.

City piers	32
Private piers	21
Piers owned in common	16
Total	69

Harlem river.

City piers	4
Private piers	17
Owned in common	0
Total	21

Indorsed, department of docks. Statement furnished by the dock department, showing the number of piers and how owned.

EXHIBIT No. 6 — JANUARY 23, 1891.

Comparative rent-roll showing the occupancy of all corporation wharf property under leases and permits of the department of docks from May 1, 1885, to January 1, 1891; also, showing the term of tenancy and the right of tenancy.

NORTH RIVER.

Pier, new 1. Iron Steamboat Company. May, 1881, to May, 1891. Public sale, March 22, 1881; $30,100 per year.

Bulk-head, north of pier new 1. Cavanagh & Collins. May, 1885, to May, 1888. Public sale March 30, 1885; $950 per year.

Bulk-head, between pier new 1 and old 1. Cavanagh & Collins. May, 1888, to May, 1891. Public sale April 11, 1888; $1,000 per year.

Reclaimed land, south of old pier 1. Pennsylvania R. R. Co. At pleasure of the board. Resolution, August 16, 1882; $1,000 per year.

Extension to bulk-head, between piers 3 and 6, and widening piers 4 and 5. Pennsylvania R. R. Co. May, 1883, to May, 1893. Resolution, August 8, 1883; $18,000 per year.

Platforms at bulk-head, between piers 6 and 8. N. Y. and Baltimore Transportation Line. At pleasure of the board. Resolution, January 2, 1888, and April 30, 1884; $400 per year.

Platform, south side of pier 8. Central R. R. Co. of Jersey. At pleasure of the board. Resolution, January 5, 1881; $1,500 per year.

Platform, between piers 8 and 9. Clark & Seaman. At pleasure of the board. Resolution, October 9, 1879, and April 30, 1884; $1,500 per year.

Extension to pier 9. William Cruikshank, agent. At pleasure of the board. Resolution, October 9, 1879, and April 30, 1884; $800 per year.

Platform at bulk-head, north side of pier 10, and widening north side of pier. Metropolitan Steamship Co. At pleasure of the board. Resolution, July 26, 1882; $750 per year.

North half of pier 12 and half bulk-head. Central R. R. Co. of New Jersey. May, 1885, to May, 1890, and May, 1890, to May, 1895. Public sale March 30, 1885, and April 17, 1890; $15,000 per year from May 1, 1885, to May 1, 1890; and $24,000 per year from May 1, 1890, to May 1, 1891.

Platforms, between piers 12 and 13, and 15 and 14. Central R. R. Co. of New Jersey. At pleasure of the board. Resolution, August 5, 1879; $1,600 per year.

South half of pier 14, and bulk-head adjoining. Francis S. Lathrop. November, 1881, to May, 1892. Public sale October 31, 1881; $17,250 per year.

Platform, south of pier 16 and extension west. Pennsylvania R. R. Co. At pleasure of the board. Resolution, July 9, 1879, and April 30, 1884; $1,000 per year.

South half of pier 18 and twenty-three feet bulk-head southerly. Associates of the Jersey Co. May 1, 1876, to May, 1886. Public sale March 7, 1876; $7,510 per year.

South half pier 18 and twenty-three feet bulk-head southerly. Associates of the Jersey Co. May, 1886, to May, 1891. Public sale April 15, 1886; $8,000 per year.

Platform, between piers 18 and 19, etc. Delaware, Lackawanna and Western R. R. May, 1878, to three months' notice. Resolution, March 6, 1878, to April 30, 1884; $1,500 per year.

Platforms, between piers 18 and old 20. John H. Starin. At pleasure of the board. Resolutions, May 15, 1873, and December 15, 1875; $1,200 per year.

Pier old 20 and bulk-head southerly. Francis McDonald. May, 1868, to three months' notice. By the mayor, etc., lease dated December 6, 1867. May 1, 1885, to May 1, 1888; $9,000 per year

Extension to pier old 20. Francis McDonald. June, 1874, to three months' notice. Resolution, March 4, 1874; $2,500 per year, from May 1, 1885, to May 1, 1888.

Pier old 20 and bulk-head on southerly side, bulk-head between pier old 20 and pier old 21. Baltimore and Ohio R. R. Co. May, 1887, to May, 1892. Public sale April 9, 1887; $36,000 per year.

Pier old 21 and bulk-head adjoining south side. William Coverly May, 1880, to May, 1883, holding over. Public sale April 13, 1880; $12,000 per year, from May 1, 1885, to May 1, 1887.

Platform at bulk-head, north of pier old 28. Old Colony Steamboat Co. At pleasure of the board. Resolutions, July 9 and 23, 1879; $300 per year, from May 1, 1885, to May 1, 1887; and $2,709 per year from May 1, 1887, to January 1, 1891.

Land under water for extension pier old 28. Old Colony Steamboat Co. At pleasure of the board. Resolution, June 10, 1886; $590.75 from May, 1886, to May, 1887.

Land under water for platform on southerly side on pier old 28. Old Colony Steamboat Co. October, 1887. At pleasure of the board. Resolution, February 17, 1888; $126 per year, from May, 1887, to January 1, 1891.

South half of pier 29, including whole surface of pier. Providence & Stonington S. S. Co. May, 1883, to May, 1886. Public sale April 27, 1883; $33,100 per year, May, 1885, to May, 1886.

South half of pier 29, including whole surface of pier. Providence & Stonington S. S. Co. May, 1886, to May, 1891. Public sale April 15, 1886; $25,000 per year.

Land under water for platform, south half pier 29. Providence & Stonington S. S. Co. May, 1887, to termination of lease. Resolution, February 25, 1887; $160 per year.

Piers new 20 and 21, and 560 feet bulk-head, northerly from north side of pier old 29. Western R. R. Co. August, 1881, to August, 1891. Resolutions, July 14, 1875, and August 12, 1881; $95,000 per year.

Platform south side of pier old 33. Providence & Stonington S. S. Co. At pleasure of the board. Revoked, August 5. Resolution, June 3, 1885; $7,500 per year, May, 1885, to May, 1886.

Platform, south side pier old 33. Catskill Evening Line. At pleasure of the board. Resolution, August 25, 1885; $7,500 per year, from May, 1885, to May, 1888.

Platform, south side pier old 33, and bulk-head adjoining. Catskill & New York Steamboat Co., limited. May, 1888, to May, 1891. Public sale April 11, 1888; $10,000 per year.

Platform, north side pier 33. Providence and Stonington S. S. Co. At pleasure of the board. Revoked April 29, 1885. Resolution, July 5, 1871; $350.

Platform, north side pier 33. N. Y., West Shore and Buffalo R. R. Co. At pleasure of the board. Resolution, April 29, 1885; $1,000 per year from May, 1885, to May, 1887.

Platform, north side pier 33. N. Y. C. and H. R. R., lessee. At pleasure of the board. Resolution, April 29, 1885; $1,000 per year, from May, 1887, to January 1, 1891.

One hundred feet bulk-head, southerly from Franklin street. Van Sickler & Co. May, 1885, to May, 1887. Purchase with lease, March 13, 1885; $2,800 per year, May, 1885, to May, 1888.

One hundred feet of bulk-head, southerly from Franklin street. Hunt & Donaldson. May, 1887, at pleasure of the board. Resolution, April 30, 1887; $150 per month, from May, 1887, to January 1, 1891.

Pier old 55. Homer Ramsdell. May, 1879, to be removed for new pier. Resolution, November 27, 1878; $15,000 per year, May, 1885, to May, 1889.

Inner end pier old 35. Saugerties and New York Steamboat Co. March, 1889, at pleasure of the board. Resolution, March 1, 1889; $166.66 per month, from May, 1889, to January 1, 1891.

Platform, south side pier old 36. Bogert & Morgan, agents. At pleasure of the board. Resolution, August 8, 1877; $250 per year, May 1, 1885, to May 1, 1887.

Pier old 36. Bogert & Morgan, assignees. February, 1880, to removal for new pier. Resolutions, November 27, 1878, and April 30, 1879, and June 22, 1881, and April 28, 1883; $15,000 per year, from May 1, 1885, to May 1, 1889.

Eighty-seven feet, six inches, bulk-head, southerly from North Moore street. Morgan's Louisiana and Texas R. R. and S. S. Co. December, 1884, to May, 1886. Purchase, December 23, 1884; $3,500 per year, from May 1, 1885, to May 1, 1888.

Eighty-seven feet, six inches, bulk-head and platform, southerly from North Moore street. Morgan's Louisiana and Texas R. R. and S. S. Co. May, 1887, to May, 1888. Public sale, April 9, 1887; $3,500. May 1, 1887, to May 1, 1888.

Fifty feet bulk-head, northerly from North Moore street. Morgan's Louisiana and Texas R. R. and S. S. Co. February, 1885, to May, 1886. Purchase, February 11, 1885; $1,500 per year.

Fifty feet bulk-head and platform, northerly from North Moore street. Morgan's Louisiana and Texas R. R. and S. S. Co. May, 1887, to May, 1888. Public sale, April 9, 1887; $1,500.

Pier new 26. Old Dominion Steamship Co. May, 1881, to May 1891. Resolutions, August 14, 1878; April 27, May 11 and May 25, 1881; $30,000 per year.

Bulk-head from a point 125 feet south of pier new 26, northerly to the southerly side of pier new 27. Old Dominion Steamship Company. November, 1888, for three months, February, 1889, to termination of lease. Resolution, November 2, 1888; $10,000 per year, from May 1, 1888, to January 1, 1891; also, May 1, 1888, to May 1, 1889; $500.

One hundred feet of bulk-head, southerly from Hubert street. James D. Wynkoop. December 23, 1884; January 14, 1885, to May 1, 1888. Purchase, December 23, 1884, and January 19, 1887; $1,000 per year, from May 1, 1885, to May 1, 1887.

Pier new 27, and new 28, and bulk-head between. Pennsylvania R. R. Co. September, 1884, to September, 1894. Resolution, May 25, 1882; $55,000 per year.

Pier old 39 (see pier new 29, at end). Associates of the Jersey Co. and A. Van Santvoord & H. F. Farrington. May, 1879, to removal for new pier. Resolution, November 27, 1878; $15,000 per year.

Land under water for extension to outer end south half pier old 39. A. Van Santvoord and H. F. Farrington. April, 1887. Pleasure

of board. Resolution, April 2, 1887; $141.75 per year, from May 1, 1887, to January 1, 1891.

Platform, north side of Desbrosses street. New Jersey R. R. & Transpotation Company. At pleasure of the board. Resolution, November 2, 1871; $1,000 per year.

Pier old 40, and bulk-head, northerly. Harvey P. Farrington. May, 1883, to May, 1893. Resolution, April 25, 1883; $20,000 per year.

Pier new 34, and one-half of bulk-head each side. Pacific Mail Steamship Co. September, 1884, to September, 1889. Resolutions, July 23 and 31, and August 3, 1874; $45,500 per year.

Pier new 34, and one-half of bulk-head, each side. Pacific Mail Steamship Company. September, 1889, to September, 1899. Resolutions, July 23, 31, August 3, 1874, and April 2, 1889; $35,000 per year.

Pier new 35, formerly old 43. H. Youge, agent. May, 1883, to May, 1893. Resolutions, June 6, 1883; $35,000 per year.

Pier new 35, formerly old 43. Ocean Steamship Co. of Savannah, Ga. May, 1883, to May, 1893. Resolution, June 6, 1883; $35,000 per year.

One hundred and ten feet of the bulk-head between pier new 35, and pier new 36. Polhemis & Winne. April, 1887. Pleasure of the board. Resolution, April 6, 1887; $150 per month, from May 1, 1886, to May 1, 1888.

Pier new 36. Providence & Stonington S. S. Co., Assignee. June, 1881, to June, 1891. Resolutions, November 20, 1879, and April 27, and June 22, 1881, and July 3, 1885; $30,000 per year.

Pier new 37. C. P. Huntington. May, 1883, to May, 1893. Public sale, April 27, 1883; $70,000 per year.

Half of bulk-head, southerly and northerly of pier, new 37 with covenant for ten years' renewal, to May, 1893. Resolution, June 24, 1886; $3,500 per year, from May 1, 1886.

Pier new 38. Williams & Guion. May, 1878, to May, 1898. Resolutions, April 26, 1876, and January 30, 1876, and September 6, 1878; $30,000 per year, to May 1, 1887, and $31,500 from May 1, 1887, to January 1, 1891.

Pier new 39. Francis W. J. Hirst. National S. S. Co. (Limited) February, 1878, to February, 1888, and February, 1888, to February, 1898. Resolutions, April 26, 1876, and January 30, and July 17, 1878; $30,000 per year, to May 1, 1887, and $30,500 from May 1, 1887, to January 1, 1891.

Pier new 40, except use of water on north side. Cunard S. S. Co. (Limited). May, 1879, to May, 1889. Resolutions, April 26, 1876, and April 29, 1872; $22,500 per year.

Water, north side of pier, new 40. Cunard S. S. Co. (Limited). November, 1880, to May, 1889. Resolutions, April 26, 1876, and November 10, 1880; $7,500 per year.

Water, north side of pier, new 40. Cunard S. S. Co. (Limited). May, 1889, to May, 1899. Renewal lease; $30,500 a year.

Pier new 41. D., L. and W. R. R. Co., assignee. September, 1881, to September, 1891. Resolution, April 29, 1881, September 1, 1881, and December 21, 1881; $30,000 a year.

Bulk-head, ninety-four feet each side of pier new 31. D. L. and W. R. R. Co., assignee. September, 1886, to September, 1891. Resolution, August 20, 1886; $5,000 a year.

Reclaimed land, southerly of pier new 42. Hudson Tunnel Ry. Co. January, 1881, to January, 1885. November, 1887, pleasure of board. Resolution, March 23, 1881, and January 7, 1885, and December 8, 1887; $2,000 a year.

Land under water, southerly of pier new 42. Hudson Tunnel Ry. Co. January, 1881, to January, 1886, holding over. Resolution, March 23, 1881; $1,000 a year.

Pier new 42. Compagnie Generale Transatlanticque. November, 1876, to November, 1886. Resolution, February 18, 1875; $30,000 a year.

Pier new 42. Compagnie Generale Transatlanticque. November, 1886, to November, 1891. Resolution, February 18, 1875; $30,500 a year.

Pier new 43. Baltimore and Ohio R. R. Co. November, 1886, to pleasure of board. Resolution, September 29, 1886; $2,000 per month

Pier new 43. International Navigation Company. June, 1888, to June, 1893. Resolution, June 1 and 21, 1888, and October 5, 1888; $24,000 per year.

Piers new 44 and new 45, bulk-head between, and one-half of bulk-head north of new 45. Oceanic Steam Navigation Co. July, 1884, to July, 1889. Resolution, December 4, 1873; $45,000 a year.

Piers new 44, and new 45, bulk-head between, and one-half of bulk-head north of new 45. Oceanic Steam Navigation Co. July, 1889, to July, 1899. Resolution, February 14, 1889; $49,000, first year, and $60,000 balance of term.

Pier new 46. C. P. Huntington. March, 1887, to completion of rebuilding pier new 37. Resolution, April 4, 1887; $2,500 per month, from May 1, 1887, to May 1, 1889.

Pier new 46. The Citizens' Steamboat Co. of Troy. May, 1889, to May, 1899. Resolution, January 11, 1889; $33,500 a year.

Pier new 47, and bulk-head, southerly. Quebec Steamship Co. May, 1881, to May, 1886. Public sale, March 22, 1881; $14,000 a year.

Pier new 47, and bulk-head, southerly, and bulk-head along easterly side of approach to piers, new 46, and new 47. Quebec S. S. Co. May, 1881, to May, 1886, and May, 1886, to May, 1891. Public sale, March 22, 1881, and April 15, 1886; $3,200 a year, to May 1, 1886, and $17,000 a year from May 1, 1886.

Bulk-head south of pier old 54. Tim. Shea. May, 1884, to May, 1887. Public sale, April 21, 1884; $6,500 a year.

Bulk-head south of pier old 54, commencing about 107 feet south of the south side of the pier, extending southerly about 300 feet, to the approach to pier new 47. Jacob I. Houseman. May, 1887, to May, 1890. Public sale, April 9, 1887; $5,500 a year.

Pier at Eleventh street and bulk-head extension to west line of West street. Citizens' Steamboat Company of Troy, May, 1883, to May, 1886. Public sale, April 27, 1883; $5,000 a year.

Pier at Jane street. Decker & Rapp. May, 1884, to May, 1887. Public sale, April 21, 1884; $1,600 per year.

Pier at Jane street. A. T. Decker & Co. May, 1888, to May, 1891. Public sale, April 11, 1888; $1,400 per year.

Pier at Horatio street. Consumers' Ice Co. May, 1884, to May, 1887. Public sale, April 21, 1884; $1,230 per year.

Pier at Horatio street, except reservation, etc. Consumers' Ice Co. May, 1887, to May, 1888. Resolutions, June 1 and August 30, 1887; $100 per month.

Pier at Horatio street, except reservation, etc. May, 1888, to May, 1891. Public sale, April 11, 1888; $1,500 per year.

Pier at Gansevoort street, with reservation to cancel, if required, for new public market. Daniel Shea. May, 1885, to May, 1888. Public sale, March 30, 1885; $3,000 per year.

Pier old 56, with reservation to cancel, if required, for new public market. Daniel Shea. May, 1888, to May, 1891. Public sale, April 11, 1888; $1,500 per year.

Platform at bulk-head south of Thirteenth street. Drew & Bucki. At pleasure of board. Resolution, November 1, 1876; $500 per year.

Pier at Twentieth street. Knickerbocker Ice Co. May, 1876, to May, 1886. Public sale, April 21, 1876; $1,505 per year.

Pier at Twentieth street. Knickerbocker Ice Co. May, 1886, to May, 1891 Public sale, April 15, 1886; $3,000 per year.

Extension to pier at Twentieth street. Knickerbocker Ice Co. At pleasure of board. Resolution, November 26, 1879; $250 per year.

Pier at Twenty-second street. A. Van Santvoord. May, 1876, to May, 1886. Public sale, April 21, 1876; $1,410 per year.

Pier at Twenty-second street. C. T. Van Santvoord. May, 1886, to May, 1891. Public sale, April 15, 1886; $2,500 per year.

Extension to pier at Twenty-second street. A. Van Santvoord. June, 1876, to May, 1886. Resolutions, May 10, 1876, and March 2, 1881; $250 per year.

Pier at Twenty-first street. C. T. Van Santvoord. May, 1886, to May, 1891. Public sale, April 15, 1886; $3,500 per year.

Bulk-head at Twenty-third street, with land under water, covered by ferry platform. N. Y., L. E. and W. R. R. May, 1879, to May, 1881, holding over. Public sale, April 28, 1879; $500 per year, to May 1, 1886.

Platform north of Ferry at Twenty-third street. Twenty-third Street Ry. Co. At pleasure of board. Resolutions, June 5, 1882; $100 per month.

Land under water, for platform and ferry racks, between West Twenty-second aud West Twenty-third streets. N. Y., L. E. and W. R. R. March, 1887. At pleasure of board. Resolutions, October 20, 1886, and January 7, 1885; $1,711.50 per month.

Pier new 54. French, Edge & Co., agents. January, 1882, to January, 1892. Resolutions, June 30, 1880, and November 16, 1881; $20,000 per year, to May 1, 1887.

Pier new 54. Sanderson & Co., assignees. January, 1882, to January, 1892. Resolutions, June 30, 1888, and November 16, 1881, and April 19, 1886; $20,000 per year.

Pier new 55. Pim, Forwood & Co., agents. May, 1882, to February, 1892. Resolutions, July 7, 1880, December 14 and December 28, 1881, and April 12, 1882; $20,000 per year.

Pier new 56. Simpson & Spence, agents. July, 1882, to July, 1892. Resolutions December 18, 1880, and July 19, 1882; $25,000 per year.

Site for pier at Thirty-third street. N. Y. C. and H. R. R. November, 1873, to November, 1883, holding over. Resolutions, September 13, 1873, and February 6, 1874; $5,000 per year.

Pier at Thirty-sixth street. N. Y., W. S. and B. R. R. December, 1884, to October, 1894. Resolutions, October 8, 1884; $15,000 per year to May 1, 1886.

Pier at Thirty-sixth street. N. Y. C. and H. R. R., assignee, etc. December, 1886, to October, 1894. Resolution, October 8, 1884; $15,000 per year.

Extension to pier at Forty-third street. Knickerbocker [illegible] Co. Pleasure of the board. Resolutions, Septemb[illegible] Nov[illegible] 1875; $100 per year.

Land under water south side of Fiftieth [illegible] Pleasure of the board. Resolution, Februa[illegible] year.

Pier at Fifty-eighth street. Union Stock Yard and Market Co. July, 1881, to May, 1886. Resolution, March 9, 1881; $5,000 per year to May 1, 1886.

Pier at Fifty-eighth street. Union Stock Yard and Market Co. May, 1886, to May, 1891. Public sale, April 15, 1886; $5,000 per year.

Dumping board at Fifty-eighth street and Twelfth avenue. John Chester. At Pleasure of the board. Resolution, March 14, 1883; $365 per year.

Site for pier at Fifty-ninth street. N. Y. C. and H. R. R. November, 1877, to November, 1887. Resolutions, August 16, 1876, and November 7, 1877; $1,000 per year.

Site for pier at Fifty-ninth street. N. Y. C. and H. R. R. Co. November, 1877, to November, 1892. Resolutions, August 16, 1876, and November 7, 1877; $1,500 per year.

Land under water, between Sixtieth and Sixty-fifth streets. For erection of two piers. N. Y. C. and H. R. R. Co. August, 1884, to August, 1894. Resolution, April 23, 1884; $6,000 per year.

Land under water, between south line of Sixty-fifth street and south line of Seventy-second street, westerly to the established pier line of 1868. N. Y. C. and H. R. R. Co. May, 1880, to May, 1890. Resolution, April 28, 1880; $17,500 per year.

Pier at One Hundred and Twenty-ninth street. D. G. Yuengling, Jr. May, 1885, to May, 1888. Public sale, March 30, 1885; $1,000 per year.

Pier at One Hundred and Twenty-ninth street. Homer Ramsdell Transportation Co. May, 1888, to May, 1891. Public sale, April 11. 1888; $1,000 per year.

Land under water for platform, between piers 1 and 2. Lehigh Valley R. R. Co. At pleasure of the board. Resolution, August 18, 1886; $550 per year.

Berth for ice barge on north side of pier at Thirteenth street, A. C. Cheney. At pleasure of the board. Resolution, April 30, 1887; $150 per month from May 1, 1886, to May, 1, 1888.

Bulk-heads, between piers old 21 and pier old 23. The N. Y. Steam Co. May, 1887, to May, 1888. Public sale, April 9, 1888; $1,200.

Bulk-heads, between piers old 21 and old pier 23. The N. Y. Steam Co. May, 1883, to May, 1891. Public sale, April 11, 1888; $1,500 per year.

South half pier old 23. The N. Y. Steam Co. May, 1887, to May, 1888. Public sale, April 9, 1887; $1,500.

South half pier old 23. The N. Y. Steam Co. May, 1888, to May, 1891. Public sale, April 11, 1888; $2,000 per year.

Land under water for ferry structure, south of Barclay street, 34,417 square feet. Hoboken Land and Improvement Company. February, 1888. At pleasure of the board. Resolution, May 14, 1887; $8,604.25 per year.

Land under water for platform, between piers old 27, and old 28, 8,598 square feet. N. Y. C. and H. R. R. Co. January, 1888. At pleasure of the board. Resolutions, January 4, 1887, and February 17, 1888; $2,149.50 per year.

North half of pier old 34. S. D. Coykendall and James E. Morris. May, 1887, to May, 1888. Public sale, April 9, 1887; $5,000.

North half pier old 34. S. D. Coykendall and Jacob H. Tremper and James E. Morris. May, 1888, to May, 1889. Public sale, April 11, 1888; $7,000 per year.

North half of pier old 34. James H. Tremper and James E. Morris. May, 1889, to May, 1890. Public sale, April 19, 1888; $7,000 per year.

Pier old 54. J. P. Morrison. May, 1888, to May, 1891. Public sale, April 11, 1888; $500.

Pier at Bethune street. A. T. Decker & Co. May, 1887, to May, 1890. Public sale, April 9, 1887; $1,200 per year.

Pier at Bethune street. A. T. Decker & Co. May, 1890, to May, 1895. Public sale, April 17, 1890; $1,200 per year.

Bulk-head, extending from pier at foot of Gansevoort street, to pier old 57, near the foot of Bogart street, with reservation to cancel, if required, for new public market. N. Y. City Ice Co. May, 1887, to May, 1888. Public sale, April 9, 1887; $1,200.

Bulk-head, extending from pier at foot of Gansevoort street to pier old 57, near the foot of Bogart street, with reservation, to cancel, if required, for new public market. New York City Ice Co. May, 1888, to May, 1889. Public sale, April 11, 1888; $1,300 per year.

Bulk-head, between pier old 57, and pier old 58, with reservation to cancel, if required, for new public market. John A. Bouker. May, 1887, to May, 1888. Public sale, April 9, 1887; $1,300.

Bulk-head, between pier old 57, and pier old 58, with reservation to cancel, if required, for new public market. John A. Bouker. May, 1888, to May, 1889. Public sale, April 11, 1888; $1,300 per year.

Bulk-head, between pier old 58, and pier old 59, with reservation to cancel, if required, for new public market. Mutual Benefit [illegible] May, 1887, to May, 1888. Public sale, April 9, 1887; $1,200.

Bulk-head, between pier old 58, and old 59, with reserva[illegible] cancel, if required, for new public market. Mutual Benefit I[illegible] May, 1888, to May, 1889. Public sale, April 11, 1888; $1,30[illegible] year.

Pier at West Fifteenth street. George W. Winant. May, 1888, to May, 1891. Public sale, April 11, 1888; $1,000 per year.

Pier at West Seventeenth street. Robert S. Briggs. May, 1888, to May, 1891. Public sale, April 11, 1888; $3,000 per year.

Pier new 60. James McMenagan. May, 1887, to May, 1893. Public sale, April 9, 1887; $2,000 per year.

Pier new 61. N. Y. C. and H. R. R. Co. November, 1887, to date of lease. Resolution, January 28, 1887; $20,000 per year.

Pier at West Thirty-fifth street. Penn. R. R. Co. May, 1887, to May, 1892. Public sale, April 9, 1887; $4,500 per year.

Land under water for platform, southerly about sixty-six feet from West Fortieth street, 924 square feet. John R. McPherson. May, 1887. At pleasure of the board. Resolution, February 2, 1887; $231 per year.

Pier temporary approach at West Fortieth street. Western Stock Yards. May, 1887, to May, 1892. Public sale, April 9, 1887; $7,000 per year.

Bulk-head at West Forty-first street. John A. Bouker. May, 1887, to May, 1888. Public sale, April 9, 1888; $50.

Pier at West Forty-fourth street. N. Y. House Manure Co. May, 1887, to May, 1892. Public sale, April 9, 1887; $3,500 per year.

Bulk-head at West Forty-fifth street. James McLaughlin. May, 1887, to May, 1892. Public sale, April 9, 1887; $125.

Bulk-head at West Forty-fifth street. James McLaughlin. May, 1888, to May, 1889. Public sale, April 11, 1888; $200 per year.

Bulk-head at West Forty-fifth street. James McLaughlin. Public sale, April 18, 1889; $200 per year.

Bulk-head on southerly half of West Ninety-seventh street. J. Coe & Co. May, 1887, to May, 1888; $200.

Bulk-head on southerly half of West Ninety-seventh street. Canda & Kane. May, 1888, to May, 1889. Public sale, April 11, 1888; $200 per year.

Bulk-head on southerly half of West Ninety-seventh street. Canda & Kane. May, 1889, to May, 1890. Public sale, April, 1889; $200.

Bulk-head on southerly half of West Ninety-seventh street. Canda & Kane. May, 1890, to May, 1893. Public sale, April 17, 1890; $250 per year.

Bulk-head between West One Hundred and Thirtieth street and West One Hundred and Thirty-first street, and the southerly side of the pier at West One Hundred and Thirty-first street. Fort Lee Ferry Co. Riverside Ferry Co. May, 1887, to May, 1891. Public sale, April 9, 1887; $500 per year.

Pier at West One Hundred and Thirty-second street. Mutual Benefit Ice Company. May, 1888, to May, 1891. Public sale, April 11, 1888; $1,000 per year.

Pier at West One Hundred and Fifty-second street. John A. Bouker. May, 1887, to May, 1888. Public sale, April 9, 1887; $100.

Land under water for pile platform, about 137 feet north of the northerly line of West Ninety-seventh street. National Transit Co. February, 1889, at pleasure of board. Resolution, November 21, 1888; $100 per month.

Land under water for platform, north of West One Hundred and Eighth street. Bernheimer & Schmid. June, 1888, at pleasure of board. Resolution, April 19, 1889; $601.50 per year.

North side and end of pier at West One Hundred and Thirty-first street. Ridgewood Ice Co. May, 1889, to May, 1892. Public sale, April 18, 1889; $950 per year.

Pier new 24. Homer Ramsdell. February, 1889, to February, 1899. Resolutions, November 27, 1878, and February 6, 1889; $26,685 per year.

Pier new 25. Morgans, Louisana and Texas R. R. and S. S. Co. February, 1889, to February, 1899. Resolutions, November 27, 1888, and January 11, 1889; $30,000 per year.

Two hundred feet in length of bulk-head, on southerly side of West Eleventh street, beginning at a point on said bulk-head thirty-five feet westerly of a point where the easterly line of Thirteenth avenue, between West Eleventh and Bank streets, produced, southerly crosses said bulk-head and extending 200 feet east from said point. Emory M. Van Tassel. November, 1888, to November, 1898. Public sale, October 25, 1888; $1,850 per year.

On the southerly side of pier at foot of West Eleventh street, and on a portion of the bulk-head at the southerly side of Thirteenth avenue at West Eleventh street, beginning at a point where the easterly line of Thirteenth avenue, between West Eleventh and Bank streets, produced, southerly crosses said bulk-head, and extending westerly along said bulk-head and the southerly side of said pier 225 feet, etc. Joseph Cornell. November, 1888, to November, 1898. Public sale, October 23, 1888; $1,900 per year.

Land under water for platforms, between piers old 25 and 26, and 26 and 27. N. Y. C. and H. R. R. Co. August, 1876, at the pleasure of board. Resolution, May 10, 1876; $3,150 per year.

Bulk-head, northerly of the approach to pier, new, 47 about 300 feet set aside during the pleasure of the board, for the use of the

oyster business pursuant to chapter 521 of the Laws of 1889. Frank Flandreal. May, 1890, to May, 1892. Public sale, April 17, 1890; $10,250 per year.

Northerly half and outer end of pier foot of West Twelfth street, with privilege of placing dumping board thereon. John A. Bouker. May, 1890, to May, 1895. Public sale, April 17, 1890; $2,100 per year.

Pier new 62. N. Y. C. and H. R. R. R. Co. November, 1888, to date of lease. Resolution, January 28, 1887; $20,000 per year.

Pier, new, 63. N. Y. C. and H. R. R. R. Co. August, 1889, to date of lease. Resolution, January 28, 1887; $15,000 per year.

Pier at West Sixteenth street. Benard Campbell. February, 1890, to February, 1895. Public sale, January 22, 1890; $1,000 per year.

Pier at West Eighteenth street. Robert S. Briggs. September, 1889, to September, 1892. Public sale, August 30, 1889; $2,000 per year.

Pier at the foot of West Forty-sixth street, with privilege of dumping board on outer end of pier. John A. Bouker. May, 1890, to May, 1895. Public sale, April 17, 1890; $3,000 per year.

The southerly eighty-three feet of bulk-head, between West Forty-ninth and West Fiftieth streets. James Gillies & Sons. May, 1890, to May, 1895. Public sale, April 17, 1890; $350 per year.

Pier at West Fifty-first street. Geo. W. Plunkitt & Thos. Smith. May, 1890, to May, 1895. Public sale, April 17, 1890; $3,900 per year.

Bulk-head platform, north of West One Hundred and Thirtieth street. Riverside and Fort Lee Ferry Co. June, 1889, to June, 1891. Public sale, May 17, 1889; $250 per year.

Bulk-head at the southerly half of West One Hundred and Fifty-fifth street. Orrin D. Person. May, 1890, to May, 1893. Public sale, April 17, 1890; $120 per year.

Pier new 29. Associates of the Jersey Company & Harvey P. Farrington. Resolution, November 21, 1878; $30,000 for the first ten years, and $30,500 for the remainder.

EAST RIVER.

East half pier 4, west half pier 5, and bulk-head between N. Y. C. and H. R. R. R. Co. May, 1876, to May, 1886. Public sale, March 7, 1876; $6,010.

East half of pier 4. N. Y. C. and H. R. R. R. Co. May, 1886, to May, 1891. Public sale, April 15, 1886; $4,000 per year.

Platform at bulk-head, between piers 4 and 5, etc. N. Y. C. and H. R. R. R. Co. May, 1876, to May, 1886. Resolutions, May 10 and 16, and June 28, 1876; $800.

Bulk-head and platform, between piers 4 and 5. N. Y. C. and H. R. R. R. Co. May, 1886, to May, 1891. Public sale, April 15, 1886; $1,000 per year.

Pier 5. N. Y. C. and H. R. R. R. Co. May, 1886, to May, 1891. Public sale, April 15, 1886; $15,000 per year.

East half pier 5, west half pier 6, and bulk-head between. N. Y. C. and H. R. R. R. Co. May, 1876, to May, 1886. Public sale, March 7. 1876; $9,900.

Bulk-head between piers 5 and 6. N. Y. C. and H. R. R. R. Co. May, 1891. Public sale, April 15, 1886; $1,000 per year.

East half pier 6, and bulk-heads adjoining. N. Y. C. and H. R. R. R. Co. adjoining. N. Y. C. and H. R. R. R. Co., assignee. May, 1877, to May, 1886. Public sale, April 15, 1878, and resolutions, February 12, 1879, and June 15, 1881; $5,600.

Pier 6. N. Y. C. and H. R. R. R. Co. May, 1885, to May, 1891. Public sale, April 15, 1886; $8,000 per year.

West half pier 8. N. Y., L. E. and W. R. R. Co. May, 1884, to May, 1887. Public sale, April 21, 1884; $8,000 per year.

West half pier, 8. N. Y., L. E. and W. R. R. Co. May, 1888, to May, 1898. Public sale, April 11, 1888; $10,000 per year.

Land under water for widening pier 8. N. Y., L. E. and W. R. R. Co. August, 1889, to May, 1898. Resolution, March 7, 1889; $1,500 per year.

East half pier 18. William D. Morgan. May, 1885, to May, 1888. Public sale, March 30, 1885; $4,000 per year.

East half pier 18. Charles L. Morgan. May, 1889, to May, 1892, Public sale, April 18, 1889; $4,500 per year.

Platform, south of pier 20. C. H. Mallory & Co. At pleasure of the board. Resolution, March 27, 1878; $200 per month.

East half pier 20. C. H. Mallory & Co. August, 1883, to May, 1888. Public sale, April 27, 1883; $5,500 per year.

East half pier 20. N. Y. and Texas S. S. Co. May, 1888, to May, 1891. Public sale, April 11, 1888; $7,000 per year.

Bulk-head platform, between piers 20 and 21. C. H. Mallory & Co. May, 1881, to May, 1886. Public sale, March 22, 1881, and October 19, 1881; $800.

West half pier 21. C. H. Mallory & Co. May, 1886, to May, 1891. Public sale, April 15, 1886; $6,000 per year.

East half pier 24, and half bulk-head. Hartford and N. Y. Transportation Co. May, 1881, to May, 1886. Public sale, March 29, 1881; $6,500.

East half pier 24, and half of bulk-head adjoining. Hartford and N. Y. Transportation Co. May, 1886, to May, 1881. Public sale, April 15, 1886; $6,500 per year.

West half pier 25 and half bulk-head adjoining. New Haven Steamboat Co. May, 1886, to May, 1891. Public sale, April 15, 1886; $3,000 per year.

East half pier 33, west half pier 34, and bulk-head between. Thomas Clyde. May, 1881, to May, 1886. Public sale, March 29, 1881; $13,000.

East half pier 33, west half pier 34, and bulk-head between. Thomas Clyde. May, 1886, to pleasure of board. Resolutions, August 20, 1886; $10,000.

East half pier 33, west half pier 34 and bulk-head between. William P. Clyde & Co. May, 1886. Pleasure of board. Resolution, August 20, 1886; $10,000.

East half pier 33, west half pier 34, and bulk-head between. B. F. Clyde. May, 1887, to May, 1892. Public sale, April 9, 1887; $8,000 per year.

Platform, between piers 33 and 34. Thomas Clyde. August, 1885, to August, 1886. Resolution, July 8, 1885; $300 per year.

Platform between piers 33 and 34. William P. Clyde & Co. May, 1886. Pleasure of board. Resolution, August 20, 1886; $300.

Platform between piers 35 and 36. S. F. Shorthand & Brother. At pleasure of board. Revoked, January 20, 1886. Resolution, May 2, 1887; $50 a year, May 1, 1885 to May 1, 1886.

Widening east side and extension to pier 36. George H. Penniman. November, 1878, to May, 1889. Public sale, December 16, 1878; $700 per year.

Widening east side and extension to pier 36. George H. Penniman. May, 1889, to May, 1899. Public sale, March 20, 1889; $3,000 per year.

Pier 38 and half bulk-head, westerly. Maine Steamship Co. November, 1881, to May, 1887. Public sale, October 31, 1881; $12,000 per year.

Pier 88 and half bulk-head, westerly. Maine Steamship Co. May, 1887, to May, 1892. Public sale, April 8, 1887; $12,000 per year.

Land under water for temporary platform adjoining westerly side of pier 38. Maine Steamship Co. August, 1888. Pleasure of board. Resolution, July 28, 1887; $398.50 per year.

Platform between piers 38 and 39. Peter Charles. Pleasure of the board. Resolution, June 16, 1875; $400 per year.

Pier 30 and half bulk-head, easterly, including platform. Frank Phelps. May, 1882, to May, 1887. Public sale, March 29, 1881; $9,000 per year.

Pier 40, and half bulk-head, easterly, including platform. Frank Phelps. May, 1887, to May, 1892. Public sale, March 29, 1881; $11,000 per year.

Platform between piers 49 and 50. Glen Cove Mfg. Co. Pleasure of the board. Resolution, November 22, 1880; $1,000 per year.

Land under water for platform, between piers 49 and 50. N. Y., New Haven and Hartford R. R. Co., assignee. January 1, 1881. Pleasure of the board. Resolution, November 22, 1880, and July 21, 1886; $1,000 per year.

Platform at bulk-head, south of pier 50. N. Y., New Haven and Hartford R. R. Co. Pleasure of the board. Resolution, May 26, 1880; $4,000 per year.

Platform, between piers 50 and 51. Harlem River and Port Chester R. R. Co. Pleasure of the board. Resolutions, May 7, 1874, and November 6, 1879; $1,500 per year.

East half pier 51, west half pier 52, and bulk-head, etc., between, except reservation for public bath at pier 51. Joseph W. Brown. May, 1885, to May, 1888. Public sale, March 30, 1885; $2,500 per year.

East half pier 51, west half pier 52, and bulk-head, etc., between, except reservation for public bath at pier 51. N. Y., New Haven and Hartford R. R. Co. May, 1888, to May, 1898. Public sale, September 20, 1887; $8,000 per year.

Bulk-head, etc., at and south of Houston street. Nassau Ferry Co. November, 1878, to May, 1894. Public sale, December, 16, 1878; $2,000 per year, for first five years; $2,250 the second five years and $2,500 balance of term.

Site for pier 130 feet south of Houston street. Nassau Ferry Co. May, 1879, to May, 1894. Resolution, January 8, 1879; $300 per year.

Pier at Third street, except reservation for police boat. Ridgewood Ice Co. May, 1885, to May, 1888. Public sale, March 30, 1885; $2,000 per year.

Pier at Third street, except reservation for police boat. Ridgewood Ice Co. May, 1888, to May, 1891. Public sale, April 15, 1885; $3,000 per year.

Bulk-head at Twentieth street. H. L. Herbert & Co. May, 1885, to May, 1888. Public sale, March 30, 1885; $700 per year.

Bulk-head at Twentieth street. H. L. Herbert. February, 1890, to February, 1895. Public sale, January 22, 1890; $500 per year.

Bulk-head south of Twenty-fourth street, north of ferry premises. Greenpoint Ferry Co. June, 1881, to June, 1891. Public sale, March 22, 1881; $4,100 per year.

Pier at Thirty-first street. Joseph V. Brown. May, 1884, to May, 1887. Public sale, April 21, 1884; $3,000 per year.

Pier at Thirty-first street. Joseph V. Brown. May, 1887, to May, 1892. Public sale, April 9, 1887; $2,500 per year.

South half and outer end pier at Thirty-third street. Knickerbocker Ice Co. May, 1881, to May, 1886. Public sale, March 29, 1881; $1,500.

South half and outer end pier at Thirty-third street. East River Ferry Co. May, 1886, to May, 1891. Public sale, April 15, 1886; $2,900 per year.

South half and outer end pier Thirty-third street. Metropolitan Ferry Co., assignee. May, 1886, to May, 1891. Resolution, July 22, 1887; $2,900 per year.

North half pier at Thirty-third street, except reservation of outer end. East River Ferry Co. May, 1881, to May, 1891. Public sale, May 27, 1880; $1,000 per year.

North half of pier at Thirty-third street, except reservation of outer end. Metropolitan Ferry Co., assignee. May, 1881, to May, 1891. Resolution, July 22, 1887; $1,000 per year.

Bulk-head at Thirty-fifth street. Jeremiah Skidmore. May, 1883, to May, 1886. Public sale, April 27, 1883; $500.

Bulk-head at Thirty-fifth street. Jeremiah Skidmore's Sons. May, 1886, to May, 1891. Public sale, April 15, 1886; $500 per year.

Bulk-head at Thirty-ninth street. Geo. W. Ryerson. November, 1881, to November, 1885, holding over. Resolution, October 31, 1881; $800.

Dumping board at Thirty-ninth street. Geo. W. Ryerson. May, 1882, to May, 1885, holding over. Resolution, March 22, 1882; $700.

Bulk-head and dump at Thirty-ninth street. Long Island Land Fertilizing Co. May, 1886, to May, 1891. Public sale, April 15, 1886; $2,000 per year.

Bulk-head at Forty-third street. James L. Miller. May, 1885, to May, 1888. Public sale, March 30, 1885; $300 per year. Dispossessed. November 17, 1887.

Bulk-head and dump at Forty-fifth street. Schwazchild & Sulzberger. May, 1883, to May, 1886. Public sale, April 27, 1883; $1,050 per year.

Bulk-head and dump at Forty-fifth street. Schwazchild & Sulzberger. May, 1887. Pleasure of board, holding over. Resolution, May 14, 1887; $50 per month.

Bulk-head at Forty-seventh street. Owens & Co. May, 1883, to May, 1886. Public sale, April 27, 1883; $800.

Bulk-head at Forty-seventh street. Owens & Co. May, 1886, to May, 1891. Public sale, April 15, 1886; $500 per year.

Bulk-head at Forty-ninth street. Peter H. Walsh. May, 1883, to May, 1886. Public sale, April 27, 1883; $1,125 a year.

Bulk-head at Forty-ninth street. M. Goodwin. May, 1886, to May, 1891. Public sale, April 15, 1886; $600 a year.

Pier at Fifty-third street. Ridgewood Ice Co. May, 1885, to May, 1888. Public sale, March 30, 1885; $800 per year.

Bulk-head at East Fifty-third street. Ridgewood Ice Co. May, 1889, to May, 1892. Public sale, April 18, 1889; $1,000 per year.

Site for bulk-head, between Fifty-sixth and Fifty-seventh streets. Schmitt & Koehne. Pleasure of the board. Resolutions, April 27, 1887, and April 30, 1884; $100 per year.

Site for platform, etc., north of Sixty-second street. Jabez A. Bostwick. Pleasure of the board. Resolution, December 24, 1878; $200 per year.

Site for platform, etc., south of Sixty-third street. Ehrenreich Brothers. Pleasure of the board. Resolution, December 24, 1878; $100 per year.

Platform at Sixty-third street. Neidlinger, Schmidt & Co. June, 1874, to June, 1884, holding over. Resolutions, May 28, 1874, and July 16, 1884; $250 per year.

Bulk-head at Sixty-third street. Neidlinger, Schmidt & Co. May, 1887, to May, 1890. Public sale, April 9, 1887; $400 per year.

Bulk-head at Sixty-third street. Neidlinger, Schmidt & Co. May, 1890, to May, 1895. Public sale, April 17, 1890; $480 per year.

Crib, bulk-head and platform, between Sixty-third and Sixty-fourth streets. Neidlinger, Schmidt & Co. May, 1884, to May, 1887. Public sale, April 21, 1884; $680 a year.

Crib, bulk-head and platform, between Sixty-third and Sixty-fourth streets. Neidlinger, Schmidt & Co. May, 1887, to May, 1892. Public sale, April 9, 1887; $750 a year.

Site for bulk-head at Seventy-fourth street. Thomas Patten. Pleasure of the board. Resolution, November 21, 1877; $100 per year.

Site for platform, between Seventy-ninth and Eightieth stre[illegible] Murphy & Nesbit. May, 1878, to termination of occupancy of upl[illegible] Resolution, May 3, 1878. $100 per year.

Land under water for platform, easterly and westerly of pier [illegible] Baltimore and Ohio Railroad Co. November 1886. Pleasure of boa[illegible] Resolution, September 15, 1886; $1,075 per year.

Pier 25 and half the bulk-head adjoining the westerly side thereof. New Haven Steamboat Company. May, 1887, to May, 1888. Public sale, April 9, 1887; $8,000.

Pier 25 and half the bulk-head adjoining the westerly side thereof. New Haven Steamboat Company. May, 1888, to May, 1891. Public sale, April, 1888; $9,000 per year.

Pier 43. F. W. Wright. May, 1887, to May, 1890. Public sale, April 9, 1887; $4,000 a year.

Southerly side and end of pier 55 and the bulk-head of the foot of Cherry street. C. E. Murtagh. May, 1887, to May, 1890. Public sale, April 4, 1887; $800 per year.

Upper half of pier 58 and bulk-head, between piers 58 and 59. Earl Smith. May, 1888, to May, 1891. Public sale, April 11, 1883; $2,000 per year.

Northerly half of pier 62, foot of Stanton street. C. E. Murtagh. May, 1887, to May, 1890. Public sale, April 9, 1887; $800 per year.

Bulk-head at foot of East Fourth street. Romaine & Co. May, 1887, to May, 1888. Public sale, April 9, 1887; $100.

Bulk-head at foot of East Fourth street. B. F. Romaine, May, 1888, to May, 1891. Public sale, April 11, 1888; $150 per year.

Bulk-head at foot of East Fifteenth street. Thos. Cunningham, assignee. May, 1887, to May, 1888. Public sale, April 9, 1887; $150.

Bulk-head at foot of East Fifteenth street. Thos. Cunningham. May, 1888, to May, 1891. Public sale, April 11, 1888; $200 per year.

Bulk-head at foot of East Eighteenth street. Louis Brandt. May, 1887, to May, 1888. Public sale, April 9, 1887; $300.

Pier at East Twenty-fifth street. J. V. Brown. May, 1887, to May, 1890. Public sale, April 9, 1887; $1,000 per year.

Pier at the foot of East Thirty-second street. J. H. Starin. May, 1887, to May, 1892. Public sale, April 9, 1887; $1,200 per year.

Bulk-head at the foot of East Thirtieth street. Popham & Co. May, 1887, to May, 1890. Public sale, April 9, 1887; $110 per year.

Bulk-head at the foot of East Thirtieth street. Popham & Co. May, 1890, to May, 1895. Public sale, April 17, 1890; $260 per year.

Pier at East Thirty-seventh street, with reservation for public bath. Baltimore and Ohio R. R. Co. May, 1888, to May, 1891. Public sale, April 11, 1888; $1,500 per year.

Bulk-head platform, south of East Thirty-ninth street. Brown & Fleming. May, 1888, to May, 1891. Public sale, April 11, 1888; $910 per year.

Bulk-head at the foot of East Fortieth street. Equitable Gas-light Co. May, 1887, to May, 1890. Public sale, April 11, 1888; $910 per year.

Bulk-head at the foot of East Fortieth street. Equitable Gas-light Co. May, 1890, to May, 1895. Public sale, April 17, 1890; $150 per year.

Bulk-head at the foot of East Forty-first street. Equitable Gas-light Co. May, 1887, to May, 1890. Public sale, April 9, 1887; $100 per year.

Bulk-head at the foot of East Forty-first street. Equitable Gas-light Co. May, 1890, to May, 1895. Public sale, April 17, 1890. $110 per year.

Bulk-head at the foot of East Forty-fourth street. Jacob Fleischhauser. May, 1887, to May, 1890. Public sale, April 9, 1887; $50 per year.

Bulk-head at foot of East Forty-fourth street. John A. Bouker. May, 1890, to May, 1895. Public sale, April 17, 1890; $25 per year.

Bulk-head, etc., between East Fifty-fourth and East Fifty-fifth streets. Isaac Untermeyer. May, 1887, to May, 1892. Public sale, April 9, 1887; $300 per year.

Bulk-head, between East Fifty-fifth and East Fifty-sixth streets, Bath. Sand & Koenig. May, 1887. Pleasure of board. Resolution, April 23, 1887; $75.

Land under water, for coal-hoist near the bulk-head, on northerly side of East Fifty-sixth street. G. D. Curtis. September, 1887. Pleasure of board. Resolution, September 1, 1887; $250 per year.

Bulk-head at East Fifty-sixth street. Sand & Koenig. May, 1888, to May, 1891. Public sale, April 11, 1888; $150 per year.

Bulk-head platform, between East Sixtieth and East Sixty-first streets and the bulk-head platform at East Sixty-first street. Cavanagh & Collins. May, 1887, to May —

Bulk-head platform, between East Sixty-first and East Sixty-second streets, and the pier at East Sixty-second street. Knickerbocker Ice Co. May, 1887, to May, 1890. Public sale, April 9, 1887; $1,275 per year.

Bulk-head, etc., at foot of East Sixty-fourth street. Neidlinger, Schmidt & Co. May, 1887, to May, 1890. Public sale, April 9, 1887; $100 per year.

Bulk-head, at the foot of East Seventieth street. F. P. Eastman. May, 1887, to May, 1890. Public sale, April 9, 1887. Lease canceled August 11, 1888; $760.

Bulk-head and dumping-board at East seventy-third street. Daniel T. Robinson. May, 1888, to May, 1891. Public sale, April 11, 1888; $2,125 per year.

Bulk-head platform at East Seventy-fifth street. John A. Boucker. May, 1888, to May, 1891. Public sale, April 11, 1888; $400 per year.

Bulk-head at East Seventy-fifth street. D. Milliken. May, 1888, to May, 1891. Public sale, April 11, 1888; $440 per year.

The bulk-head at East Seventy-eighth street, the bulk-head platform at East Seventy-eighth street, and the pier at East Seventy-ninth street. Ridgewood Ice Co. May, 1881, to May, 1890. Public sale, April 9, 1887; $4,000 per year.

Bulk-head at East Ninety-third street. Knickerbocker Ice Co. May, 1888, to May, 1891. Public sale, April 11, 1888; $1,200 per year.

Bulk-head at foot of East Ninety-ninth street. Cavanagh & Collins. May, 1887, to May, 1890. Public sale, April 9, 1887; $300 per year.

Wharf structures at pier 35. Bridgeport Steamship Co. May, 1889, to May, 1894. Public sale, April 18, 1889; $1,500 per year.

Pier new 36. Jabez A. Bostwick. December, 1888, to December, 1898. Resolution, November 9, 1888; $15,000.

Pier new 36. New England Terminal Co. December, 1888, to December, 1898. Resolution, November 9, 1888, and January 3, 1889; $15,000 per year.

Undivided ninth part of pier old 42. J. A. McCarthy. May, 1890, to May, 1895. Public sale, April 9, 1887; $50 per year.

Bulk-head at foot of East Forty-third street. J. A. Bouker. May, 1890, to May, 1895. Public sale, April 17, 1890; $300 per year.

Bulk-head at foot of East Seventy-third street. John A. Bouker. May, 1890, to May, 1895. Public sale, April 17, 1890; $800 per year.

HARLEM RIVER.

Float at One Hundred and Sixteenth street. Vandervoort & Tucker. Pleasure of the board, Resolution, June 7, 1882; $10.

Berth for float, north side of pier, at One Hundred and Twenty-fifth street. Edward McGrath. Pleasure of the board. Resolution, April 24, 1878; $25 per quarter.

Land under water, south side of One Hundred and Twenty-sixth street. Geo. T. Soden & Co. Pleasure of the board. Resolution, June 29, 1883; $400 per year.

Land under water, south side One Hundred and Twenty-sixth street. McDonough & Co. Pleasure of board. Resolution, June 29, 1883, and November 11, 1886; $400 per year.

Land under water for bridge pier at One Hundred and Twenty-ninth street and Second avenue. Suburban Rapid Transit Co. Pleasure of board. Resolution, April 4, 1883, and June 20, 1883, at $500 per year.

Bulk-head platform at foot of East One Hundred and Fourth street. Lehman Levy. May, 1887, to May, 1890. Public sale, April 9, 1887; $200 per year.

Bulk-head platform at East One Hundred and Fifth street. Kane & Wright. May, 1887, to May, 1890. Public sale, April 9, 1887; $325 per year.

Bulk-head at East One Hundred and Sixth street. A. Scott. May, 1887, to May, 1890. Public sale, April 9, 1887; $500 per year.

Land under water, for pile platform at bulk-head, between East One Hundred and Twenty-second and East One Hundred and Twenty-third streets, 436 square feet. Canda & Kane. May, 1887. Pleasure of board. Resolution, June 22, 1887; $109 per year.

Bulk-head at East One Hundred and Thirty-sixth street, west side Harlem river. J. Sarget Cram. May, 1888, to May, 1891. Public sale, April 11, 1888; $250.

Bulk-head at East One Hundred and Thirty-sixth street, west side Harlem river. Merchants Union Ice Co., assignee. May, 1888, to May, 1891. Public sale, April 11, 1888; $250 per year.

Bulk-head on south half of East One Hundred and Thirty-eighth street, west side Harlem river. John Dobbins. May, 1888, to May, 1891. Public sale, April 11, 1888; $150 per year.

Land under water, north of West One Hundred and Fifty-ninth street, Harlem river, extending northerly about 500 feet from the estate of William Lynch, and about 350 feet in width from the established bulk-head line, westerly Manhattan Railway Company. December, 1887, to December, 1897. Ten years with privilege of two renewals at ten years each. Resolution, December 28, 1887; $5,000 first term, $6,500 second term and $8,000 third term.

Pier at East One Hundred and Nineteenth street. Ridgewood Ice Co. May, 1889, to May, 1892. Public sale, April 18, 1889; $500 per year.

Bulk-head at foot of East One Hundred and Sixth street. Nathaniel Wise. May, 1890, to May, 1893. Public sale, April 17, 1890; $600 per year.

Pier at East One Hundred and Sixteenth street. John A. McCarthy, assignee. February, 1890, to February, 1895. Public sale, January 22, 1890, and resolution, June 20, 1890; $725 per year.

EXHIBIT No. 7—JANUARY 23, 1891.

Comparative statement of wharfages, from unleased wharves, from May 1, 1885, to January 1, 1891, giving in detail the rentals of each wharf and pier from May 1, 1885, to May 1, 1891.

PROPERTY.	1885-1886.	1886-1887.	1887-1888.	1888-1889.	1889-1890.
NORTH RIVER.					
Bulk-head north of pier new 1	$8 00	.....	.....	.....	.....
Bulk-head between piers old 21 and 23	616 00	$624 00	$12 00	.....	.....
South half pier old 23	1,104 46	1,231 43	.....	.....	.....
New made ground between piers new 20 and new 21	432 00	432 00	495,00	$495 00	.....
South half pier old 33	610 16	.....	.....	.....	.....
South half pier old 23 and bulk-head south	18 00	.....	.....	.....	.....
North half pier old 34	4,499 41	4,496 99	42 48	.....	.....
Bulk-head between piers old 35 and old 36	2,200 39	1,845 37	1,479 67	.....	$250 00
Bulk-head between piers old 41 and old 42	1,782 00	1,812 00	1,400 10	662 90	1,632 50
Pier old 42	3,460 41	3,717 30	2,878 58	5,803 29	3,669 28
Bulk-head between piers new 35 and new 36	255 26	153 00	79 81	458 93	490 86
Bulk-head between piers new 36 and new 37	131 53	165 90	241 69	899 00	954 00
Bulk-head between piers new 37 and new 38	291 03	233 37	349 99	306 77	263 80
Bulk-head between piers new 38 and new 39	276 53	267 08	654 38	635 14	558 77
Bulk-head between piers new 39 and new 40	297 28	410 27	480 70	583 93	615 65
Bulk-head between piers new 40 and 41	97 99	74 40	.....	.....	.....
Bulk-head between piers new 41 and new 42	236 44	225 67	259 89	238 44	289 07
Bulk-head between piers new 42 and new 43	238 14	323 99	384 19	488 50	525 50
Pier new 43	6,767 36	5,468 52	16,055 19	1,972 52	.....
Pier new 46	4,143 03	10,884 49	2 40	.....	.....
Bulk-head south of pier old 54	364 00	364 00	371 00	48 00	59 35
Pier old 54	1,152 99	448 39	1,747 07	12 39	.....
Bulk-head south side of West 11th street	708 85	3,164 30	3,686 29	1,681 10	.....

Bulk-head at Bank street	364 00	364 00	364 00	2 00	.....
Pier at Bethune street	793 81	571 58	21 41	.....	.....
Bulk-head at Gansevoort street	1,015 00	1,040 00	.....	.....	152 00
Pier north of Bogart street	987 00	769 00	462 16	354 08	222 26
Pier north of Bloomfield street	860 05	806 45	882 62	317 85	145 36
Bulk-head foot of Bloomfield street	390 00	687 63	.....	278 69	152 00
Bulk-head south of Little West 12th street	1,050 20	1,040 00	20 00	.....	.....
Pier at Little West 12th street	274 24	698 74	879 90	384 13	803 03
Pier at West 13th street	1,761 55	2,233 30	1,388 80	2,200 05	870 17
Pier at West 15th street	626 76	498 10	492 65	31 01	.....
Pier at West 16th street	289 31	315 75	512 63	413 82	358 90
Pier at West 17th street	2,158 40	2,370 61	3,144 76	131 46	.....
Pier at West 18th street	1,754 06	1,690 62	2,312 31	1,195 62	476 06
Pier at West 19th street	761 50	1,018 71	1,530 73	1,471 78	1,260 72
Pier at West 21st street	2,712 53	73 87	.....	.....	.....
Bulk-head platform at West 24th street	233 49	198 42	179 77	145 15	156 11
Bulk-head between piers new 54 and new 55	422 98	329 74	361 51	364 54	470 31
Pier new 57	1,325 96	2,637 65	3,135 33	3,077 51	2,737 65
Pier new 59	1,303 75	1,921 63	2,360 01	2,208 95	2,122 56
Bulk-head between 30th and 31st streets	217 00	.....	.....	.....	.....
Pier new 60	964 23	769 02	124 87	.....	.....
Bulk-head between piers new 59 and new 60	1 30	.....	.....	.....	.....
Pier at West 34th street	2,107 40	1,322 26	1,120 22	1,654 94	2,178 65
Pier at West 35th street	3,281 20	3,861 02	269 42	.....	.....
Pier at West 37th street	785 00	1,063 00	355 10	1,548 36	1,133 25
Pier at West 40th street	2,621 16	1,215 45	1 00	.....	.....
Pier at West 44th street	2,697 14	2,488 00	200 00	.....	.....
Bulk-head at West 45th street	16 50	21 00	.....	.....	.....
Pier at West 46th street	1,719 33	2,402 50	3,074 32	2,584 54	2,398 34
Pier at West 47th street	597 68	731 66	1,055 44	631 07	1,326 99
Pier at West 51st street	1,949 79	2,254 41	2,243 94	916 68	3,178 83

EXHIBIT No. 7—(*Continued*).

PROPERTY.	1885-1886.	1886-1887.	1887-1888.	1888-1889.	1889-1890.
NORTH RIVER (*Continued*).					
Pier at West 55th street	$3,341 76	$3,996 99	$4,837 05	$3,726 02	$4,390 60
Bulk-head between 78th and 79th streets	1,510 62	2,687 70	3,994 51	655 59	558 79
Pier at West 79th street	793 03	113 00	182 03	770 63	963 74
Bulk-head between 80th and 81st streets	155 00	160 00	85 00	.....	.....
Pier at West 96th street	475 90	315 33	445 54	472 19	.....
Pier at West 130th street	558 65	188 40	694 96	164 06	40 00
Pier at West 131st street	545 32	1,288 87	756 75	261 76	15 32
Pier at West 152d street	18 60	25 75	2 50	367 08	23 48
Bulk-head between Bogart and Gansevoort streets	.....	358 66	20 00	168 34	.....
Bulk-head between piers new 21 and old 33	.....	.....	53 71	20 00	.....
Bulk-head at Bogart street	.....	.....	21 00	81 50	1 50
Pier at Jane street	.....	.....	1,162 01	42 03	.....
Pier at Horatio street	.....	.....	152 95	.....	.....
Bulk-head at West 52d street	.....	.....	11 17	36 60	.....
Crib bulk-head at West 77th street	.....	.....	9 00	126 81	196 24
Crib bulk-head between West 77th and 78th streets	.....	.....	61 30	475 04	834 24
Crib bulk-head at West 78th street	.....	.....	44 50	191 02	50 33
Bulk-head between West 79th and 80th streets	.....	.....	30 10	903 03	482 94
Bulk-head between West 129th and West 130th streets	.....	.....	96 40	639 00	361 40
Bulk-head between West 131st and 132d streets	.....	.....	14 50	154 38	155 04
Bulk-head at West 132d street and pier	.....	.....	95 68	49 15	20 00
Pier at West 138th street	.....	.....	100 46	45 85	.....
Bulk-head between piers old 20 and 21	.....	.....	.....	48 00	.....
Pier old 35	.....	.....	.....	48 23	.....

Bulk-head between piers old 34 and 35	.....	.....	.....	2 64	.....
Pier at West 12th street	.....	.....	.....	43 30	1,593 59
Pier at West 38th street	.....	.....	.....	382 31	382 95
Bulk-head at West 80th street	.....	.....	.....	286 76	343 39
Land under water at West 81st street	.....	.....	.....	260 00	.....
Crib bulk-head at West 158th street	.....	.....	.....	32 60	298 96
Pier old 23	.....	.....	.....	.....	262 17
Bulk-head between piers old Nos. 20 and 21	.....	.....	.....	.....	509 45
Land south of pier old 33	.....	.....	.....	.....	52 00
Bulk-head between piers new 20 and 21	.....	.....	.....	.....	343 00
Bulk-head between piers new 24 and 25	.....	.....	.....	.....	211 00
Bulk-head between piers new 34 and 35	.....	.....	.....	.....	455 50
Bulk-head — 72 feet — south side of pier new 35	.....	.....	.....	.....	75 00
North one-half of pier and east one-half of bulk-head south side of West 11th street	.....	.....	.....	.....	1,686 37
Bulk-head at West 50th street	.....	.....	.....	.....	113 57
Pier at West 52d street	.....	.....	.....	.....	36 00
Bulk-head at West 75th street	.....	.....	.....	.....	22 00
Bulk-head at West 76th street	.....	.....	.....	.....	17 59
Land under water between West 80th and 81st streets	.....	.....	.....	.....	170 00
Bulk-head at West 95th street	.....	.....	.....	.....	10 00
Bulk-head at West 96th street	.....	.....	.....	.....	518 97
Bulk-head between West 130th and 131st streets	.....	.....	.....	.....	1 50
Bulk-head at West 138th street	.....	.....	.....	.....	12 00
	$73,132 46	$80,899 25	$70,000 45	$44,642 06	$44,636 50
East River.					
Bulk-head at Battery	$1,475 00	$1,537 50	$1,170 00	$1,080 00	$933 33
Pier 7	8,210 61	5,185 28	4,938 41	3,717 99	.....

EXHIBIT No. 7 — (*Continued*).

PROPERTY.	1885-1886.	1886-1887.	1887-1888.	1888-1889.	1889-1890.
EAST RIVER — (*Continued*).					
West half pier 12	$1,255 83	$1,510 25	$1,351 66	$2,198 96	.....
East half pier 18	94 11	.....	.....	3,621 30	$510 44
Bulk-head between piers 18 and 19	154 38	214 32	179 58	158 51	6 03
West half pier 19	5,363 60	5,427 84	5,535 26	5,962 64	6,432 47
Bulk-head between piers 20 and 21	3 75	.....	.....	22 21	320 03
East half pier 25, west half pier 26 and bulk-head between	4,187 50	.....	.....	.....	.....
Pier 37	1,911 57	1,621 41	1,248 11	.....	.....
Pier 41 and half bulk-head, west side	5,957 34	6,657 77	212 73	.....	.....
Bulk-head, east side, pier 41	76 50	168 50	11 50	.....	.....
Pier 43	3,099 19	3,607 13	298 89	.....	.....
Pier 44	4,756 91	3,433 56	4,956 40	1,168 62	867 77
Bulk-head, west side, pier 44	208 35	.....	.....	.....	.....
Pier 46	4,009 64	3,970 05	6,656 93	778 84	.....
Pier 48	693 48	626 88	1,009 66	1,228 89	2,645 15
Pier 55	1,143 16	739 73	54 10	270 20	.....
Bulk-head at Corlears street	25 75	8 25	13 97	1 75	16 01
Bulk-head at Cherry street	3 25	1 25	.....	.....	.....
North half, pier 56, south half, pier 57 and bulk-head between	1,018 87	892 84	270 28	.....	.....
Upper half of pier 58	613 48	620 53	859 45	19 50	.....
Pier 60 and bulk-head, north side	1,518 39	2,888 04	2,825 97	412 14	1,299 83
Pier 61 and bulk-head, north side	1,264 02	518 06	764 59	1,081 76	931 15
Pier 62	622 53	700 18	16 00	.....	.....
Pier at East 3d street	8 00	.....	.....	.....	.....
Pier at 5th street	2,065 03	19 19	20 41	.....	.....

Bulk-head at 14th street	8 00	46 07	320 65	320 06	186 31
Bulk-head at 16th street	50	.....	10 77	101 03	93 14
Bulk-head at 18th street	277 01	270 30	5 25	302 30	145 38
Bulk-head at 20th street	5 25	.....	.....	341 50	280 00
Bulk-head at 25th street	388 72	498 18	.....	.....	.....
Bulk-head at 26th street	150 27	103 92	273 07	182 40	228 25
Bulk-head at 28th street	772 92	997 68	.....	.....	.....
Bulk-head at 29th street	3 50	9 50	29 75	47 75	128 55
Pulk-head at 30th street	9 25	18 80	238 75	288 75	187 20
Pier at 32d street	494 41	1,092 97	35 13	.....	.....
Bulk-head at East 36th street	9 74	31 03	34 44	.....	.....
Pier at 57th street	446 33	426 41	948 87	52 46	.....
Pier at 38th street	307 90	198 16	374 58	181 22	451 06
Bulk-head between 38th and 39th streets	882 00	896 00	90 00	.....	.....
Bulk-head at 40th street	10 50	36 44	2 89	.....	.....
Bulk-head at 42d street	156 53	149 95	390 23	250 13	283 45
Bulk-head at East 43d street	4 80	.....	74 11	172 93	191 75
Bulk-head at 46th street	170 50	178 50	171 50	.....	.....
Bulk-head at East 48th street	17 45	2 50	94 93	119 52	226 59
Bulk-head at East 53d street	12 20	.....	.....	677 07	35 20
Bulk-head at East 54th street	239 10	222 55	380 15	284 87	271 75
Bulk-head between 60th and 62d streets and pier at 62d street	2,030 48	2,390 10	385 02	.....	.....
Bulk-head at East 70th street	223 00	120 00	.....	.....	.....
Bulk-head at East 73d street	227 85	360 00	744 00	450 22	520 00
Bulk-head and platform at East 75th street	164 01	368 76	148 38	19 92	.....
Bulk-head and platform, East 78th and 79th streets	2,321 05	2,441 46	100 18	.....	.....
Pier at East 86th street	715 05	1,032 80	1,058 17	1,186 51	1,238 44
Bulk-head at East 93d street	725 25	783 00	834 75	4 50	.....
Crib bulk-head and ferry at East 99th street	186 80	1,335 50	108 50	.....	.....
Pier 25 and half pier adjoining	.....	9,554 00	821 00	.....	.....

EXHIBIT No. 7—(*Continued*).

PROPERTY.	1885-1886.	1886-1887.	1887-1888.	1888-1889.	1889-1890.
EAST RIVER—(*Concluded*).					
Bulk-head at 15th street	.....	$35 46	.....	.....	.....
Bulk-head at 22d street	.....	91 00	.....	.....	.....
Dump at 45th street	.....	100 00	.....	.....	.....
Bulk-head at 64th street	.....	666 00	.....	.....	.....
Bulk-head between piers 11 and 12	.....	.....	$0 95	$1 86	.....
Pier new 32	.....	.....	2,928 61	6,153 47	$5,800 37
Bulk-head between piers 43 and 44	.....	.....	50	75	.....
Bulk-head between piers 60 and 61	.....	.....	124 31	378 63	.....
Bulk-head at 17th street	.....	.....	29 27	.....	.....
Pier at 28th street	.....	.....	943 96	965 41	316 09
Bulk-head south of East 39th street	.....	.....	495 43	.....	.....
Bulk-head at East 76th street	.....	.....	193 32	.....	.....
Dumping board at East 80th street	.....	.....	1,155 00	12 50	.....
Bulk-head between piers 7 and 8	.....	.....	.....	6 00	.....
Pier new 29	.....	.....	.....	3,585 07	6,181 83
Pier new 36	.....	.....	.....	178 41	.....
Pier at East 24th street	.....	.....	.....	302 64	351 42
Bulk-head north side pier at East 24th street	.....	.....	.....	2 00	9 41
Pier East 39th street	.....	.....	.....	8 57	.....
Bulk-head at East 45th street	.....	.....	.....	105 55	120 00
Pier at East 46th street	.....	.....	.....	660 00	1,092 00
Bulk-head at East 60th street	.....	.....	.....	366 43	276 03
Land under water for platform in front of south one-half of bulk-head between East 62d and 63d streets	.....	.....	.....	255 00	265 00
Bulk-head on East 71st street	.....	.....	.....	99 08	.....

Pier new 6	.....	.....	.....	.....	4,340 71
Bulk-head between piers new 6 and 8	.....	.....	.....	.....	128 34
Pier 12	.....	.....	.....	.....	1,783 25
Bulk-head between piers 11 and 12	.....	.....	.....	.....	3 06
Easterly half of bulk-head between piers 40 and new 32	.....	.....	.....	.....	88 33
Bulk-head between piers 60 and 61	.....	.....	.....	.....	42 66
Pier at East 26th street	.....	.....	.....	.....	162 23
Bulk-head East 50th street	.....	.....	.....	.....	112 50
Dumping board at East 71st street	.....	.....	.....	.....	297 24
Pier at East 96th street	.....	.....	.....	.....	20 00
	$60,700 61	$64,804 60	$45,941 82	$39,523 87	$40,120 45
Harlem River.					
Pier at East 102d street	$199 90	$204 43	$142 99	$22 25	.....
Bulk-head at East 104th street	138 02	196 19	16 73	50	.....
Bulk-head and platform at East 105th street	106 07	58 44	5 75	.....	.....
Bulk-head at East 106th street	345 29	434 70	13 01	.....	.....
Bulk-head at East 107th street	206 50	214 70	125 48	146 46	$252 80
Pier at East 109th street	138 65	165 56	237 20	51 55	.....
Pier at East 117th street	326 08	313 95	228 16	386 13	453 14
Bulk-head and platform at East 120th street	102 21	53 87	3 00	21 56	1 00
Pier at East 125th street	67 20	31 49	.....	.....	.....
Pier at East 129th street	195 05	263 00	278 90	272 00	312 30
Float at East 101st street	.....	24 00	26 00	.....	.....
Float at East 116th street	.....	40 00	.....	.....	.....
Bulk-head at 155th street	.....	105 12	293 94	249 00	352 46
Float at East 112th street	.....	.....	62 05	94 05	.....
Bulk-head at East 135th street	.....	.....	2 00	1 50	6 00
Bulk-head at East 136th street	.....	.....	26 00	1 50	.....

EXHIBIT No. 7 — (*Concluded*).

PROPERTY.	1885-1886.	1886-1887.	1887-1888.	1888-1889.	1889-1890.
HARLEM RIVER — (*Concluded*).					
Bulk-head at East 137th street	.....	.....	$66 50	$11 00	$8 50
Bulk-head at East 138th street	.....	.....	11 99	.....	.....
Bulk-head at East 115th street	.....	.....	.....	52 90	.....
Bulk-head at East 119th street	.....	.....	.....	72 85	.....
Bulk-head at East 156th street	.....	.....	.....	37 36	42 06
Bulk-head at East 157th street	.....	.....	.....	176 44	169 88
Bulk-head at East 102d street	.....	.....	.....	.....	18 04
Bulk-head at East 111th street	.....	.....	.....	.....	25
Bulk-head at East 112th street	.....	.....	.....	.....	167 65
Bulk-head between East 114th and 115th streets	.....	.....	.....	.....	185 55
Pier at East 119th street	.....	.....	.....	.....	3 31
Slip foot of Lincoln avenue	.....	.....	.....	.....	128 00
	$1,824 97	$2,105 45	$1,539 70	$1,597 05	$2,100 94
RECAPITULATION.					
North river	$73,132 46	$80,899 25	$70,000 45	$44,642 06	$44,636 50
East river	60,700 61	64,804 60	45,941 82	39,523 87	40,120 45
Harlem river	1,824 97	2,105 45	1,539 70	1,597 05	2,100 94
	$125,658 04	$147,809 30	$117,481 97	$85,762 98	$86,857 89
May 1, 1890, to January 1, 1891					$68,616 86

EXHIBIT No. 8 — JANUARY 23, 1891.

Wharf property purchased by the department of docks, with the approval of the commissioners of the sinking fund.

Pier old 44, North river, from William Inman, August 27, 1879	$203,530 00
Bulk-head wharf property on West street, eighty-seven feet six inches, next northerly of northerly line of Franklin street extended, from William L. Skidmore and others, December 16, 1884	52,200 00
Bulk-head wharf property on West street, next northerly of North Moore street extended, from the Southern Development Company, December 23, 1884	32,500 00
Bulk-head and wharf property on North river, commencing 242 feet eleven inches south of the southerly line of Charlton street extended, and running thence southerly forty-five feet three inches, from Mary F. Cockcroft and others, March 6, 1885	24,887 50
Bulk-head and wharf rights on North river, commencing 104 feet two inches south of southerly line of Charlton street, and running thence southerly fifty feet, from D. Willis James and William E. Dodge, Jr., March 6, 1885	27,500 00
Bulk-head and wharf rights, 125 feet next south of Beach street, N. R., from Old Dominion Steamship Company, June 16, 1827	75,000 00
Bulk-head and wharf property on West street, next southerly of the southerly line of North Moore street extended, eighty-seven feet six inches, from Charles F. Southmayd, December 16, 1884	55,562 50
Sixty-three feet of bulk-head, commencing at a point in the bulk-head distant forty-six feet west from the point where the line of the westerly side of Market slip, if extended, would intersect the said easterly side of South street, etc., etc., purchased from William F. Bridge and others, April 27, 1889	6,300 00
Judgment of Supreme Court, General Term, for property laying west of Thirteenth avenue, including their upland and bulk-head, westerly of said avenue, between Twenty-fourth and Twenty-fifth streets on the Hudson river, and their riparian rights and privileges and their easements to collect wharfages and cranage at said bulk-head.	

Amount of judgment entered July 8, 1889		$193,656 08	
Less annual values to date of judgment at $1,350 per annum	$11,085 00		
Less interest on $1,350 annually from November 1, 1881, to date of judgment	2,714 40		
		13,799 40	
			$179,856
Wharf property beginning at a point on the northerly line of West Thirty-third street and thence northerly about 101 feet. Purchased from William K. Vanderbilt and Cornelius Vanderbilt, residuary legatees of William H. Vanderbilt, June 17, 1890			10,000
Judgment of Supreme Court, General Term, for property between the northerly line of Twenty-fifth street and center line of block between Twenty-fifth and Twenty-sixth streets, lying westerly of Thirteenth avenue and including the upland and bulk-head westerly thereof on the Hudson river and the riparian rights and privileges and the easement to collect wharfages and cranage at said bulk-head			
Amount of judgment entered July 8, 1889		$100,831 38	
Interest to June 18, 1890, eleven months, ten days		5,713 76	
			106,545 1
Bulk-head and wharf property on West street, fifty feet southerly of the southerly line of Hubert street extended. From John L. and Abraham T. H. Brower, executors, etc., December 16, 1884			30,000 0
Bulk-head and wharf property on West street, commencing fifty feet southerly of the southerly line of Hubert street extended, and running thence southerly fifty feet. From O. and Chas. DeH. Bower, executors, etc., December 18, 1884			30,000 0
Bulk-head and wharf property on West street, next southerly of the southerly line of Franklin street, extended, 100 feet. From Emily V. Clarkson, and others, February 25, 1885			60,000 0

Twenty-six feet six inches of bulk-head and wharf property, next southerly of southerly line of Warren street, purchased from Charles Drake, November 28, 1884	$14,250 00

Indorsed: Department of Docks. Statement furnished by the dock department showing the property acquired from May 1, 1870, to January 1, 1891.

EXHIBIT No. 9 — JANUARY 23.

Department of docks — pay-roll for 1890, *based on pay-rolls for December*, 1890.

COMMISSIONERS.

Ewin A. Post, president	$3,000 00
James Matthews, treasurer	3,000 00
J. Sergeant Cram	3,000 00

OFFICERS AND APPOINTEES.

A. T. Docharty, secretary	$3,000 00
F. E. Moon, chief clerk	2,700 00
J. Weir, apportionment clerk	2,400 00
C. Miller, Jr., recording clerk	2,000 00
L. S. Kellogg, clerk	2,000 00
J. H. Matthews, clerk to treasurer	2,000 00
M. Drucher, collector	1,800 00
Thirteen dockmasters	1,800 00
C. J. Farley, clerk to commissioners	1,500 00
W. H. Gilon, stenographer and typewriter	1,500 00
E. A. Gregory, Jr., clerk	1,200 00
Two laborers	900 00

CONSTRUCTION FORCE.

G. S. Greene, Jr., engineer-in-chief	$6,000 00
W. W. Maclay, first assistant engineer	3,000 00
A. M. C. Parker, assistant engineer	3,000 00
D. F. McCarthy, superintendent of repairs	3,000 00
F. P. Thompson, surveyor	3,000 00
W. S. Lasher, assistant engineer	2,700 00
C. W. Staniford, assistant surveyor	2,100 00
A. Connor, assistant engineer	2,000 00

F. Gottschall, searcher of water grants	$2,000 00
H. C. Freeman, clerk to engineer-in-chief	2,000 00
G. S. Farley, assistant engineer	1,800 00
J. A. Bensel, assistant engineer	1,800 00
A. A. Spooner, assistant engineer	1,800 00
J. H. Corley, superintendent	1,650 00
F. J. Boller, assistant engineer	1,500 00
One clerk	1,500 00
One stationery custodian and messenger	1,500 00
Four transitmen	1,500 00
Three draughtsmen	1,500 00
One captain "tug"	1,500 00
One engineer "tug"	1,200 00
Two clerks	1,200 00
Three hydrographers	1,200 00
One draughtsmen	1,200 00
One foreman	1,200 00
One roundsman	1,200 00
Five levelers	1,200 00
One carpenter	1,200 00
Three clerks	1,000 00
Two draughtsmen	1,000 00
One timekeeper	1,000 00
One clerk	960 00
One leveler	960 00
One deckhand	900 00
One fireman	720 00
Two deckhands	600 00

CONSTRUCTION AND GENERAL REPAIRS FORCE.

Five boatment, fifteen dollars per week.

Four blacksmiths, thirty-five and forty cents per hour.

One blacksmith helper, twenty cents per hour.

Seven chainmen, twelve dollars, fifteen dollars and eighteen dollars per week.

Two calkers, thirty-nine cents per hour.

Twenty-five carpenters, thirty-nine cents per hour.

Three captains, thirty-five cents per hour; eighteen dollars and twenty-five dollars and fifty cents per week.

Two cleaners, ————.

One hundred and forty-four dockbuilders, thirty cents per hour.

Ten divers, seven dollars and five dollars per day, four hours or less.

Three divers' tenders, thirty-five cents per hour.

Fifteen engineers, thirty and thirty-five cents per hour, and twenty-one dollars per week.

One fireman, fifteen dollars per week.

Ten foremen dockbuilders, thirty-five and forty cents per hour.

One foreman carpenter, forty-five cents per hour.

Six foremen laborers, thirty-five cents per hour.

One foreman mason, sixty cents per hour.

One foreman piling and woodwork, fifty centy per hour.

One foreman scowmen, twenty dollars per week.

Two inspectors dredging, twenty-five cents per hour.

Five inspectors pier building, forty and fifty cents per hour.

Three hundred and twenty-eight laborers, twenty-three cents per hour and fifteen dollars per week.

Two messengers, fifteen dollars per week.

Five masons and stonecutters, forty and forty-five cents per hour.

Two painters, thirty-nine cents per hour.

Two riggers, fifteen dollars per week.

Three rodmen, fifteen and eighteen dollars per week.

One sawfiler, thirty-five cents per hour.

Three scowmen, fifteen dollars per week.

Five sounders, fifteen dollars per week.

Ten watchmen, sixteen and two-thirds cents per hour.

Six hundred and ten men.

Indorsed: Department of docks. Pay-roll for 1890, based on pay-roll for December, 1890.

EXHIBIT No. 10—JANUARY 23, 1891.

Memorandum of amount available for issue of bonds under the Constitutional amendment adopted November 4, 1884.

Valuation of real estate in New York city for 1890, as assessed by the board of taxes and assessments	$1,398,290,007 00
Ten per cent of above equals	$139,829,000 70

Total bonded indebtedness of New York city January 1, 1891,	$146,371,022 88	
Deduct bonds held by the sinking fund	48,513 792 81	
		$97,857,230 07
Amount available for issue, assuming that the bonds held by the commissioners of the sinking fund should be excluded in making up the ten per cent limit of bonded indebtedness.....		41,971,770 63

Indorsed: Memorandum of amount available for issue of bonds.

January 30, 1891.

Present — Senators Fassett, Stewart and Ahearn.

Senator FASSETT.— I would state that after consultation it has seemed only proper for this committee, in view of the unfortunate and unhappy death of Mr. Windom, the Secretary of the Treasury, to adjourn out of regard for his memory. Therefore this committee will adjourn its session until Friday next at 11 o'clock.

Adjourned to Friday, February 6, 1891, at 11 A. M.

February 6, 1891.

Present — Senators Fassett, Stewart and Ahearn.

HENRY R. BEEKMAN, called as a witness and being duly sworn, testified, as follows:

Mr. BOARDMAN.— I think Mr. Beekman can go on and make his statement without any questioning from me.

The WITNESS.— The evidence already given before the committee on this subject has rather tended in the direction of supporting the idea that there should be a return to the ancient method of private ownership along the line of the water front, and, as I am very strongly opposed to anything of that kind and believe it to be something which would be most disastrous to the interests of the people of this city, I desire to give such reasons as I am able to in refutation of any such idea. The water front along the city originally was in the ownership of the mayor, aldermen and commonalty of the city of New York. The title to so much of it as laid between high water mark and low water mark was originally confirmed in the city under the Dongan charter, which was granted in the year 1686. It was afterwards confirmed by

the Montgomery charter, granted in the year 1730. And in addition to this space between high water mark and low water mark there was also granted to the mayor, aldermen and commonalty by the latter charter a space below low water mark extending out 400 feet from a place somewhere in the neighborhood of Charlton street and the Hudson river, extending around the point of the island and on the East river as far as Corlear's Hook. The purpose for which that grant was made is clearly indicated in the charter. It was intended to be held by the city and improved for wharfage purposes; and it was, here and there, according to the limited demands of the city at that day improved by the construction of a few wharfs. Subsequently, as the population of the city increased, it became evident that it was necessary to establish something like a system in reference to the improvement of the water front and also determine the exterior lines of the city, and in 1798 a petition was presented to the Legislature on behalf of the mayor, aldermen and commonalty stating the additional legislation that seem to be desirable, and giving the reasons therefor. That was the custom in those days and for many years afterwards, whenever, the city made application to the Legislature for legislation it was done through the agency of the common council, who presented a memorial, setting forth all the reasons why the legislation asked for should be granted. It was a most excellent practice, and might be followed with advantage at the present day. The result of that application was the enactment of a law by which the city was authorized to establish the exterior lines of the city and construct piers, wharfs, bulkheads; and a system was indicated which the city was permitted to adopt by which the riparian owners were permitted to construct the exterior streets which were to be established under this plan.

By Mr. Boardman:

Q. They were not only permitted to but they were compelled to, were they not? A. Yes, sir; if the city authorities saw fit to pass an ordinance requiring them to; the city was authorized to establish these lines and require the riparian owners to construct these exterior streets; and, upon their filling in the spaces between high water mark and the lines of these exterior streets, the title to that property was to vest in these property owners; so that it was an obligation, to be sure but at the same time it was accompanied by a benefit.

Q. As a matter of fact, at that time the city was obliged to take compulsory proceedings to induce these people to make these exterior streets in many cases, was it not? A. The law provided about as follows: That the common council could require the construction of

the piers; that if the piers were not constructed within a time to be defined that then the common council should be at liberty to construct the piers themselves, and, of course, all wharfage and emoluments derivable from such a structure as that were to go to the common council; otherwise where the pier was constructed by a private owner at his expense he was entitled not to the property in the pier or over the land — which in many cases did not belong to him — but he was entitled to the right to receive whatever the legal wharfage might be; it was also provided that the city might, in case of a refusal on the part of the property owner to construct the pier, it might sell the right to construct that pier to any person who might desire to purchase it; and then, of course, the same right to receive the wharfage would inure to his benefit as would have inured to the benefit of the original property owner had he constructed it; it was under that policy as expressed in that statute and in other statutes subsequently passed to perfect this scheme — there were laws passed in 1801, 1806, and 1813, known as the revised laws, which embodied all these other statutes, all with the idea of carrying out this policy of having a private ownership in the emoluments derivable from the water front around the city; now, the Court of Appeals has repeatedly passed upon the question as to what the title of a private owner is; it is a misnomer to speak of it as a private ownership; the streets were declared to be public streets or wharfs, and were as much subject to public uses as any of the other streets in the city; all that the property owner got after he complied with the directions of the common council was the incorporeal right to receive such rates of wharfage and cranage as was then established by law, or as might thereafter from time to time be established by law; the Legislature retaining the paramount control over this question of wharfage.

By Senator FASSETT:

Q. When he puts the piles down and builds up the pier, he simply puts it on the city's property? A. Yes, sir; and there could be no corporal possession of a pier of that kind for the reason that it formed a part of the public domain and street; the public had the right to go down it; there could be no exclusive possession predicated on it, nor could the owner prevent anybody from attaching his vessel to that pier; the public had the right to make use of the pier in that way, the only condition being that they should pay to the person entitled to receive the same the legal rates of wharfage which had been established by law.

By Mr. Boardman:

Q. You are speaking now solely about the condition of the law as it existed prior to the passage of the act either of 1858, or the act of 1875, are you not? A. Yes, sir; and so far as this question of private ownership is concerned I am speaking of it from the time when the original grant was made by the Dongan and Montgomery charters down to the present time, and it is a law which is not peculiar to the State of New York; it obtains wherever the common law is administered; it was the law of England at that time and is the law of England now; and as far as these wharfs which are impressed with a public character are concerned there can be no such thing as a private dominion over them so as to give the exclusive right to any portion of them; they form a part of the public highway, and the only right which the private owner has, is to receive the legal rates of wharfage.

By Senator Fassett:

Q. That applies to the entire front of the city, so far as this question of private ownership is concerned? A. Yes, sir.

By Mr. Boardman:

Q. You intend to refer to the statutes, the act of 1858 and the act of 1875? A. The act of 1858 is the one by which the bulk-head line was established.

Q. No; the act of 1857 — the Steamboat Preferential Use, it is called? A. Well, I wish you would call my attention to those particular exceptions; now, I want to define first what the nature of that private ownership is.

By Senator Fassett:

Q. Was there any distinction in the rights, as between those piers and the bulk-heads, which embraced the city's lines, as the city was when the Dongan and Montgomery charters were issued, and those piers which now are in the river opposite what in those days were only farms and which were not embraced in the city limits at all; was there any difference in the rights of ownership as to those piers? A. I don't think so; there are very few piers of that kind around the city; you see, the original and the present scheme is to have a marginal or riparian street running around the city, and it was in pursuance of the act of 1798 that South and West streets were constructed; they were intended to be wharves; they are spoken of as streets or wharves, and the idea was that they should be publicly used, and

therefore that the bulk-heads should be public in their character; the owner of the bulk-heads, so to speak, being simply the owner of the incorporeal right to receive the legal rates of wharfage.

By Mr. BOARDMAN:

Q. The city's right to its wharf property is the same in that regard as the title of the private owner? A. Entirely; the only difference between the two is that in one case the city acting in its capacity as proprietor receives these wharfage rates, and in the other case the so-called private owner.

Q. But the circumstance that a particular pier may stand upon land the legal title of which is in the city, and that another pier may stand upon land, the legal title of which is also in the city, the city owning the incorporeal right to collect wharfage at the first pier but not at the second — that is immaterial, isn't it? A. I want to say that I do not consider that I am at liberty to express my opinion upon the relative rights of the city and the so-called private owners in the piers, because that is a question which is undetermined, upon which the law department has expressed its opinion, and it has been acting upon that opinion.

Q. I am not asking you to express an opinion; you have spoken here generally about the public character of piers and wharfs, and I ask you whether the piers which are owned by the city as proprietor and the wharfs which are owned by the city as proprietor are not public in the same sense that other piers and wharfs owned by private individuals are public? A. Entirely so; during this period between the time when the river front first began to be improved down to the time when the law was passed which organized the dock department and created a new departure, so far the policy of the State was concerned, in the treatment of the water front, the water front seemed to have been under no particular system of management; from time to time the city made grants of the land lying under water; those grants, of course, being limited by the exterior line of the city's water front as thus established; in those grants it was provided that the property owners in consideration of the same should construct certain streets, which were mentioned in the grant, and they were to pave those streets; the streets were to be treated entirely as public streets, in the same way as the other streets of the city and they were to construct this exterior street along the Hudson river where West street was constructed, or along the East river, and they were to receive as a portion of the consideration, obligations, which they had assumed, the right to receive the wharfage.

Q. Forever? A. Forever; that was decided in the Langdon case; all this having been done, thereafter from time to time special resolutions were passed by the common council at the solicitation of private owners; under these resolutions platforms were constructed out beyond the line of the bulk-head and in some cases structures were built over these platforms; in some cases structures were built over the piers and bulk-heads, and in many cases also these structures were put up under permits issued by the street commissioner; there seemed to be no well defined treatment of the water front; it did not seem to be under any well considered management, and it was treated in a happy-go-lucky sort of way, the man who was able to exert the greatest influence in securing these permits succeeding in getting the greater advantages.

Q. Will you state to what extent the piers and bulk-heads in the lower part of the city were covered by sheds prior to the passage of the shedding act? A. That I can not say, because that is a question of fact, and I have no recollection about it; I understand it was covered to some considerable extent; the question as to the rights of the private owners to maintain the sheds came up in what was known as the Mallory case, and it was there decided that the city had no power to grant to any person having any right along the water front to shed any portion of the bulk-head or pier, on the ground — which was a perfectly clear one — that these piers and bulk-heads were to a very great extent public property; that the public had a right itself superior to the private right; that that right consisted in the right of using the piers and bulk-heads with the same degree of freedom that they could use any of the streets, and that the private right consisted only in receiving such wharfage as was properly derivable under the law from a use of the water front; the result of that decision has seemed to be somewhat disastrous to the commercial interests of the port and in 1875 the Legislature passed an act which granted to the dock department the right to grant permits for the shedding of piers where such piers had been set apart for the use of special kinds of commerce; the effect of granting a permit for the construction of a shed under that permit changed the character of the use of the wharf to a material extent; from being a wharf or pier to which no exclusive use could be given, as soon as the shed was under due authority placed upon that pier, it gave to the person having the right to control the wharf a right to the exclusive possession of the wharf.

Q. Just at that point, let me interrupt you; that legislation proceeded upon the assumption that the Legislature had the power to

destroy the public character of wharfs where it deemed the public interest required it? A. Hardly just as you put it.

Q. How would you put it? A. Just as the Court of Appeals put it in the case of the People against the Baltimore and Ohio Railroad Company; that was a case in which you were one of the counsel for the defendant, I believe; the question in that case was as to the power of the Legislature to grant a privilege of that kind over what was considered as purely the public domain, and the Court of Appeals there held that it was competent for the Legislature to authorize such an exclusive use of a public pier in view of the fact that the new use to which the pier was to be put under this right to the exclusive possession of the same was quasi-public in its character.

Q. Let me see if I can not refresh your recollection about that: was not the point which was argued in the Baltimore and Ohio case simply this: whether that pier was one of the piers which was excepted out from the operation of the act of 1875? A. Yes, sir: it was in that particular district on the East river which had been set apart for the use of sailing vessels drawing more than eighteen feet of water.

Q. Has anybody questioned the right of the Legislature to adopt the policy embodied in the act of 1875? A. I understand that the Attorney-General did; he questioned the constitutionality of the shedding act.

Q. In so far as there was any question about that act, that has been settled by the decision in the Baltimore and Ohio case? A. Yes, sir; and the reason that the court gave for it was that the new use to which the pier was to be put was quasi-public in its nature.

Q. So there is no doubt since that time about the power of the Legislature to deal with this question and to determine whether a particular pier, and all piers, shall be public or private? A. The Legislature has almost immeasurable control over the water front, with the limitation that it can not do anything that would take away vested rights; and, furthermore, that the city is subject to the same protection as any private owner would be, so far as it has vested rights; now, the condition of the water front being as I have described it up to 1871, in 1870 there was a law passed constituting the dock department, and that was amplified in 1871; at all events, we usually speak of the law as the act of 1871; the object of that act was to establish a new system for the construction and use of the water front, and also to establish a new agency which should be exclusively charged with the responsibility of carrying that system into effect; now, the

policy of the State, as defined in the act of 1871, was this — and, as it has been passed upon by the Court of Appeals, I can speak with some degree of authority on the subject; perhaps I can state better what I desire by reading a short extract from the Kingsland case; I now read from the opinion of Judge Finch, delivered in the Court of Appeals, in the case of William M. Kingsland, surviving trustee, etc., appellant, against the Mayor, Aldermen and Commonalty of the City of New York and Others, respondents, which case is reported in the 110th N. Y., at page 569, upon the subject of the meaning of the act of 1871, constituting the dock department: "In 1871 the city charter of the previous year was amended so as to change the whole dock system of the harbor. The law provided for a plan which should girdle the city with new wharves and piers, belonging wholly to the municipality, and ending all private ownerships along the water front. The wharves of private owners were to be purchased by agreement or taken in the ordinary manner by proceedings taken under the right of eminent domain. Those rights, thus to be obtained, were described in the act as 'any rights, terms, easements and privileges pertaining to any wharf property in said city, and not owned by said corporation.' Whatever could be held against the public was to be bought or taken, but what could not was already in their ownership or control. The act vested in the department of docks authority over the whole system and enacted that 'from the time of the adoption of said plan no wharf, pier, bulk-head, basin, dock, slip, or any wharf structure or superstructure, shall be laid out, built or rebuilt, within such territory or district except in accordance with such plan.'" Let me see; I think there is one other portion that I have marked somewhere. However, that is all on that subject of any particular importance contained in this opinion. Now, it was under the provisions of this law that the dock department was organized and then proceeded to formulate a plan for the improvement of the water front. The act authorized them to prepare maps showing the new bulk-head and pier-head lines and also the piers and other structures that should in their judgment be constructed for the permanent improvement of the water front. When those plans had been prepared it was their duty to submit them to the sinking fund commissioners, and, upon their being approved and filed in the dock department, they then became the irrevocable plans. Wherever, of course, the city owned all the rights where these improvements were to be made, no further action was necessary on the part of the public authorities to enable them to proceed. Wherever there was any private ownership the act of 1871 authorized the dock

commissioners, if they were unable to agree with the persons who owned those rights, to make application to the court for the appointment of commissioners of appraisal to secure the condemnation of those rights. The policy then became a policy under which the water front was to be improved entirely by the city, at the city's expense, for the benefit of the commerce of the port, with the incidental advantages of revenue derivable from the use of the water front, which was to pass into the city treasury and in that way inure to the benefit of the entire people who by their business had created the values out of which these emoluments were to arise; it was estimated by the dock department at the outset that these so-called incorporeal rights to receive wharfage from the bulk-heads where grants had been previously made by the city were revokable in their nature and that they had the right to disregard the question of private ownership; in other words, that those rights were private in their character and that where the city had taken possession of the property that lay in front of the bulk-heads the private right and interest terminated without any necessity for making compensation.

Q. Did you assume that — did you think so? A. I had nothing to do with it; that was back in 1872 or 1873 when action was first taken under this new legislation.

Q. But that position was maintained by you when you were corporation counsel? A. No, sir; that position had been disposed of by the decision of the Court of Appeals in the Langdon case.

Q. Was not the same position taken by you in the Williams case? A. No, sir; the questions in that case were different.

Q. Was not the same proposition which you now say was taken by the city, taken in the Williams case? A. I do not know; I was not in the corporation counsel's office when the Williams case was argued; it was decided before I came into that office.

Q. Was the Williams case decided by the Court of Appeals before you became corporation counsel? A. Yes, sir; I think so.

By Senator STEWART:

Q. What was the decision in the Langdon case? A. The question as to the right of the city to fill in, in front of those who had acquired these incorporeal rights, came up in what is known as the Langdon case; there the city had made a grant, I think as far back as 1810, to Mr. Astor; this grant involved a considerable amount of land in the neighborhood of Charlton street; in filling that in, and in the construction of Washington and West streets; and in consideration of

that, and of the other obligations assumed by the grantee, it was to keep and maintain these streets forever, and he was to receive the emoluments coming from the use of the bulk-head along West street, the wharfage and cranage; the plan as it had been adopted contemplated the widening of West street at that point, I think about 170 or 180 feet, making a broad street some 250 feet in width, and they have filled in, in front of the bulkhead which had been acquired by Mr. Astor, under this grant; the title, whatever it might have been, to the rights accruing at that bulkhead had passed from Mr. Astor to the Langdon family, and when the city took possession of the property lying in front of it, and filled in there, thus, of course, depriving them of any use of this bulk-head, they brought an action to recover damages, and the case was thoroughly litigated and was decided in favor of the city at Special Term; there was a new trial ordered by the General Term and it went from there to the Court of Appeals on an appeal from that order and the Court of Appeals in a very exhaustive opinion upon the subject held that when this grant had been giving these bulk-head rights — the right to receive this wharfage and cranage at the bulk-head of West street — it was accompanied by the necessary implication by a grant of an easement over the water lying adjacent to the bulk-head for the passage of vessels over the same on the grounds, of course, that without a right of that kind a grant made of the wharfage would be entirely delusive and the city nor the Legislature had no power to authorize the city to fill in that land lying under water adjacent to the bulk-head in such a way as to deprive the owner of these bulk-head rights of the emoluments.

By Mr. Boardman:

Q. But the Court of Appeals also decided that the Legislature had not tried to do it? A. Of course.

Q. The Court of Appeals decided that the provision in the act of 1871 for condemnation was indicative of the Legislature's intent that the city should not do this thing? A. Of course, that was the ultimate decision in the Court of Appeals; there was a great difference of opinion among lawyers upon this question; Mr. Carter took very strong grounds indeed on behalf of the city that these so-called rights along the public wharfs were of such a character that they were revokable at any time.

Q. That is the same position, substantially, that he takes now about the piers, isn't it? A. Yes, sir; and Mr. Carter represented the city in the Langdon litigation, and made an able argument on that side of

the question, it was not a question that was free from doubt; it was a new question, and the exhaustive manner in which the Court of Appeals treated it, the respect which they showed to the points made by counsel in behalf of the city, and the elaboration shown in their opinion, is indicative of the very great importance of the case in their judgment; in fact, the judge states that the question is one of very great importance; and they reviewed the entire history of the city's ownership in the water front, and of the way in which this private ownership developed, and of the public character of the water front itself, but differentiated these cases from all of those cases where the Legislature, in the control of that which was public in its character, would have the right to grant and revoke privileges or licenses to private individuals along the water fronts.

Q. But the judges of the Court of Appeals were unanimous against the position taken by the city in the Langdon case? A. Yes, sir; but I do not want to have the impression given that I think this was not a proper question for the city to litigate; it undoubtedly was.

Q. When was that decision handed down? A. It must have been about eight years ago; the case is reported in the ninety-third New York.

By Senator STEWART:

Q. Do you recollect who were the counsel for the private owners then? A. Mr. Charles F. Southmayd was one; I think there were several counsel on both sides.

By Mr. BOARDMAN:

Q. I wish you would take up the proceedings that were taken by the city to condemn private property, and why they were discontinued? A. I never had any personal knowledge of those matters.

Q. The papers were in your office when you were corporation counsel? A. That may be, but the matters were disposed of prior to my coming into office; in fact, I did not know that such was the case; now, so far as the piers were concerned, of course, it was not believed by those who represented the city that the Langdon case would control the questions arising in reference to those piers; they were constructed under different circumstances, and it was considered that the obligation which was assumed by the property owner when he constructed those piers and the rights which he acquired under the law under which the piers were constructed, were such as to make those rights substantially revokable, and that the case of the piers was different from the case of the bulk-heads, which was the only question involved in the Langdon case.

Q. When were you made corporation counsel? A. In January, 1889.

Q. So that the Langdon case had been decided long before that? A. Yes, sir; and the Williams case, also.

Q. Will you explain what advantage you think the city has as against the owner of a pier, as compared with its position as against the owner of a bulkhead, under the Langdon decision? A. I do not care to express any opinion on that; that is a question upon which the law department has taken certain ground and has advised the dock department, I presume, in the past, and very positive opinions upon the matter have been expressed by Mr. Carter, who has acted very largely as the special counsel for the city for many years in reference to the water front; I do not want to be understood as holding any opinion which would be construed as adverse to that.

Q. I do not care to press you at all on the subject, if you don't wish to express your opinion, but will simply ask you this question: Do you remember when Mr. Carter was retained in these matters? A. Merely from what I have learned casually; I think his first connection was in the Langdon case.

Q. And he has been the special counsel retained by the city? A. Yes, sir; in every important litigation in reference to the water front.

Q. Mr. Carter has dictated the policy of the city with reference to all those litigations, has he not? A. I can not say that; naturally enough, where special counsel is retained of Mr. Carter's professional standing undoubtedly what he considered to be for the best interest of the city in the conduct of that litigation would be the course pursued; otherwise his connection with the matter would have to terminate.

Q. So that as long as Mr. Carter continues to act as special counsel for the city his views with reference to all questions of policy must control without reference to the views of the corporation counsel? A. That would only be in reference to the particular matter in which he was retained.

Q. But he has been retained in every important dock litigation, you say? A. Yes, sir.

Q. So that the mere circumstance that the city has taken a certain position in each successive litigation as it has come up does not indicate what the opinion of the particular corporation counsel may have been as to the propriety or impropriety, wisdom or unwisdom of that decision, does it? A. I should not like to state it as broadly as that; I think, of course, that the duty of the corporation counsel is to fully answer all the responsibilities of his position, and the law makes him

the chief adviser of the city government, and his duty is, of course, to exercise his best jndgment.

Q. But where, with the approval of the city officials, he employs a man of the high standing of Mr. Carter, he is expected to follow Mr. Carter's advice as long as Mr. Carter continues in that relation? A. No; I think he is to exercise his own judgment, and if he believes that the view which he takes is right and that which Mr. Carter takes is wrong, his business is to follow his own view and take the consequences; and, of course, the consequences might be very severe to him so far as any expression of public opinion upon his course is concerned; his duty is to live up to the obligations of his oath.

Q. Isn't it a fact that you considered when you were corporation counsel that the advice of special counsel retained with approval of the city authorities in a particular case relieved you from all responsibility in following their advice? A. I do not remember ever having considered that question at all; but I do not think I would have felt bound by it; I think the employment of a counsel like Mr. Carter, of his professional standing, is a great aid, and that whatever course could be pursued under his advice could be followed with a much greater degree of confidence because there could be no imputation of any kind on the part of a public officer where he was supported by a man of his standing in this community; in that respect the assistance of special counsel in cases involving considerable delicacy of treatment and sometimes great boldness of action is a very great support.

By Senator STEWART:

Q. Of course, if the corporation counsel did not intend to take the advice of the special counsel, he could have saved the city a fee for the special counsel in the particular case? A. Certainly; now, subsequent to the Langdon case various litigations were instituted by different parties, somewhat similarly situated, and those suits were brought in the United States Circuit Court; there were some two or three litigations, I think, started; one of them was known as the Crocker case, another was the Smith's case and another was the Williams case; the questions involved in the Crocker case were presented to the United States Circuit Court upon an argument for the continuance of an injunction, or for an injunction to restrain the city authorities from proceeding to fill in in front of that property; that property was situated along the Hudson river somewhere in the vicinity of Twenty-sixth street; in fact, there were some three or four cases that were instituted involving substantially the same question in reference to the entire water front between Twenty-

fourth and Twenty-eighth streets; all the facts in the Crocker case were presented to the United States Circuit Court upon affidavits and there was an argument had, in which Mr. Walker appeared for the complainant and Mr. Carter and Mr. Irish, who was an assistant in the corporation counsel's office, appeared for the city; and I am informed that there was a very thorough argument of the questions involved in that suit on that motion; that motion was subsequently decided by the court against the city and an injunction was granted; the Williams case which was also brought in reference to property immediately adjacent to the Crocker property, in the United States Circuit Court, was discontinued in that court under an arrangement between the counsel for the complainant and the counsel for the city, by which a case was to be made up setting forth all the facts which were necessary for the solution of the question and submitted to the General Term of the Supreme Court; in pursuance of that agreement such a case was made and submitted to the General Term, the matter was carried to the Court of Appeals, and the Court of Appeals decided in favor of the property owner of the land lying under water, in a case where a new bulk-head line had been established by authority of the legislation, and the Court of Appeals in that case held that where a new line of exterior filling was established by the State and the State owned the intervening lands, that there was by the necessary implication a grant of those lands by the State to the city, and that, therefore, the grant which the city had undertaken to make of these lands to Mr. Williams was a valid grant, and that it had the title to pass to its grantee; that was one question involved; there was another question incidentally decided, and that was as the dock department had no power to lay out any exterior street that which it had laid out was to be considered as a public wharf, and was not to be considered as one of the public streets of the city as the board of street openings and improvements alone had the power to lay out public streets.

Q. One of the findings in that case was that this strip was the private property of Mr. Williams, and was a private and not a public bulk-head or wharf, was it not? A. I assume from your statement that those were contained in the findings, but I am now speaking solely of the provisions of law established by the Court of Appeals in that case, as shown by the official report of its decision.

Q. But that was in the judgment which they affirmed? A. That may be, but I never examined that judgment, and, of course, there was no report made as to the conclusions of law; so far as the Williams case constitutes a precedent, you have to look entirely

at the reported decision of the case, and not to the particular findings of fact or conclusions of law found in any judgment-roll.

Q. Don't you think it is a precedent if you find that the Court of Appeals has affirmed a particular judgment; isn't that a precedent without reference to what they say in the opinion? A. I think that the propositions of law are to be gathered from the opinion itself, in so far as that opinion is to be used as a precedent in other cases; that is the general opinion of the profession as to the effect of decisions of the Court of Appeals, because it must be apparent to everybody that the value of these different decisions to the city, or to the so-called private owners, is in direct proportion to the actual money value rights which had been taken by the city and which the city was bound to take before the city could proceed to make the improvement which it contemplated under the act of 1871; when the right of the private owner was established the question as to what should be the proper measure of value was the next question which confronted the city authorities; the property owners claimed that they were entitled to compensation at the rate of $1,200 a running foot along the line of the bulk-head; I think in one case in which the question had been submitted to a referee he found — and I think it was in the Kingsland case — that the value of the bulk-head rights should be estimated at the rate of $1,000 a running foot; of course, under any such system of compensation as that, it would be difficult for the city to carry out the purposes of the Legislature as expressed in the act of 1871; it would involve the expenditure of an enormous amount of money to acquire these so-called private rights; accordingly, that point was severely litigated between the city and the private owners, and, to make a long story short, without going into the various stages, which involved hearings before three referees, the question was finally brought before the Court of Appeals in the Kingsland case, and the Court of Appeals there reviewed the character of this so-called private ownership, and also reviewed the principle according to which these valuations had been made by the referee, and held that those elements which the referee had considered to be the all-important element in determining this excessive value of $1,000, a running foot were matters which the referee had no right to take into account, and substantially holding as I view the case, with one exception, that the principle which should guide the courts in determining the question of the value of these rights, was the principle of capitalizing the wharfage derivable from the wharf or bulk-head; the exception to which I allude was the act of 1858; that act granted a preferential right, as it is called, to use certain portions of the water front to certain lines of steamboats that were plying

between Albany and New York principally, and I think between New York and some places on Long Island sound; the Court of Appeals held that in determining this question of value that that preferential right to the use of the water front should be taken into account; under that decision there was in the Langdon case a hearing before a referee as to the value of these rights; the hearing was first before ex-Judge Van Vorst, as referee; he died and it was then referred to ex-President Cleveland, and after rehearing the case, Mr. Cleveland found that the property owners were entitled to compensation, taking into consideration this preferential right that existed under the act of 1858, at the rate of $100, per running foot; so, that from a judgment against the city of $1,000 a foot, the Court of Appeals, in the Kingsland case, had brought about a reduction to the extent of $900 per running foot.

Q. You mean, in the Langdon case? A. In the Langdon case; yes.

Q. Kingsland got as much on the second trial as he did on the first, didn't he? A. I understand that the question of valuation in the Kingsland case was tried before a jury, and the result of trial was a verdict against the city at the rate of about $900 a running foot; of course, it is difficult to reconcile these two findings, and, I believe, an appeal has been taken by the corporation counsel to the General Term, and undoubtedly the case will be thoroughly reviewed by the courts.

Q. I suppose you think the city will sustain the Cleveland verdict at the General Term? A. That has been already argued before the General Term and submitted; it has not as yet been decided.

Q. And you will postpone expressing your opinion until the court expresses its? A. Yes; I think it proper that I should; now, the principal element in the Kingsland case and the Langdon case, which led to establish this very high rate of valuation, was the right to maintain sheds upon piers and bulk heads; it was claimed on the part of the property owner, that because he could go to the dock department and obtain the right to have a shed over the wharf or bulk-head, that in view of that fact, and also in view of the fact that that gave this exclusive right or privilege, which added enormously to the rental value of the pier, that that was an element which should be taken into account in determining the value that he could probably sell his rights for, based upon the assumption that this special privilege could be held; and the Court of Appeals held that, that the courts had no right to consider it at all; that the right to put a shed upon any portion of the water front was a right conferred by the Legislature, solely for the general benefit of the public, and in the

interests of commerce, and was not in any sense to be construed as an attribute of the property so far as the owners of these bulk-head rights were concerned, and that the people ought not to be compelled to pay for that which the public itself, through its duly authorized representatives, was permitting solely in the interest of commerce.

Q. I want to ask you if you do not think this extract from the opinion in the Kingsland case fairly expresses what the court decided in that case: "We are thus required to say that the referee erred in allowing, as an element of value, the existing platform and shed, and the chances of maintaining it in the future, and so the reversal by the General Term was right; but we do not hold that the wharf owner is entitled to the capitalized value of his wharfage or cranage, for the law has attached to his bulk-head a right of preferential use by steamship lines, and this bulk-head adjacent to a steamship pier and in a desirable part of the harbor might have possessed a serious increment or value resulting from that situation. For that value, honestly ascertained and fairly measured, the private owner should recover; but not from any value resulting from his platform or shed; is not that the gist of the opinion? A. Yes, sir: the measure of value was substantially the capitalization of the wharfage, plumber's value of the use of the preferential right; I am informed that upon the argument of that case the effect of the act of 1858 was not discussed, and that the Court of Appeals' attention was called to it at the last moment, and the statute was noted by the judges themselves upon the brief; and when the court speaks there of this preferential right being given to steamships I think it involves a slight misunderstanding as to the act of 1858; it was intended to apply to steamships; it was intended to be applicable solely to certain kinds of steamboats that were doing purely a coasting and a river business.

Q. Were you present when the Kingsland case was tried the last time? A. No, sir.

Q. Do you know that the argument which you now use was pressed upon the court (Judge Lawrence) at that time, and that the court was asked to restrict the jury to the increment of value resulting directly from the act of 1858? A. I know very little about what took place in the last trial in the Kingsland case; that was after I had left the corporation counsel's office and I know nothing except what I have heard generally in reference to the trial; I understood there was some doubt expressed by the judge as to the exact meaning of that portion of the decision in the Kingsland case, and that he let it go to the jury for what it was worth.

Q. Suppose that a man has a bulk-head 100 feet long adjacent to the Inman pier, and he has a right to collect wharfage at that bulk-head, and suppose he pays $100,000 for that bulk-head, supposed it is leased to the lessees of the Inman Steamship Company for eighteen years under an annual rental of $5,000 a year, without any platform or shed; now, do you thing that it is fair for the city of New York to take possession of that bulk-head under those circumstances, when these people are willing to pay that money to him to get whatever rights he has, and without giving him a fair equivalent? A. I think the property owners are also entitled to a full and fair equivalent, to be measured by the law upon the subject; whatever the law defines his rights to be, he is entitled to those, where the law defines a method of governing those rights.

Q. What do you suppose the Court of Appeals means by referring to a location, if this value is to be estimated on the basis of capitalizing wharfage and cranage; wharfage and cranage is the same at any location, the rates are fixed by law, aren't they? A. Yes, sir; entirely.

Q. What is the sense of referring to location? A. The extent to which you would receive wharfage and cranage will depend upon location very largely; there are some portions where you would not receive any wharfage or cranage during the whole year because no vessels would tie up there.

Q. But taking one of these bulk-heads on West street; you could not get anything at all from such a bulk-head for wharfage and cranage at statutory rates, over and above what it costs to collect it? A. I do not believe it would amount to very much more than that, from my experience with property of that kind; I at one time had some interest in some property as the representative of somebody else, in some bulk-head property along South street and I know the repairs and cost of collection amounted to the receipts.

Q. Has not that been the proof offered without contradiction in all these cases on behalf of the city? A. Yes, sir.

Q. So that if your theory of the law is correct, unless this act of 1858 which you think really has very little to do with the subject and adds very little to the value — unless that act does add some substantial value you think that these owners are really entitled to no compensation at all? A. No, sir; it is simply what the Court of Appeals decides.

Q. Do you think that is what the Court of Appeals decides; the Court of Appeals says that the capitalization plus the preferential use are the elements to be considered in determining the value of these private interests? A. The court speaks expressly of this act as

giving a preferential use to a certain class of vessels, and it means the preferential use under the act of 1858.

Q. Is not that a mere illustration; then your idea of the value of this property is this, that it keeps fluctuating very largely, of course? A. I have no doubt of it, for the simple reason that the value of the property depends entirely upon the public use of the property and upon the methods in which the Legislature applies that public use to it; so that its whole value depends upon its public use.

Q. Then your idea is that the Legislature can pass an act to-day which may make those bulk-heads worth $1,000 a foot and to-morrow take it away, and so keep the value fluctuating? A. Yes, sir; it is always possible; but as a rule the Legislature won't do a thing of that kind because the public won't permit it; of course, there is no question but what the Legislature can regulate the use of the water front and that that power is entirely untrammeled by any consideration or private ownership so long as they do not destroy the right which they regulate; they may regulate; they can not destroy; it may regulate the use of the water front around the city in such a way that the private right becomes of very little use, or they may increase the value of that private right to an enormous degree, but it is not a natural increment in the ownership of the property; as you know, a pier or railroad that would not bring in more than $3,000 a year, as soon as a shed is put upon it is worth at least thirty to forty thousand dollars a year; there is an increment of value which attaches to that pier, not by reason of anything which has been done by the owner of the private rights, but by reason of a thing public in its nature, and done solely in the public interest and for the benefit of commerce; there never was a clearer illustration of an unearned increment of value than this enormous additional value given to a pier or bulk-head by reason of authority obtained from the dock department to put a shed upon a pier.

Q. Do you think that if there were two piers along the Hudson river, both alike, and one of them was shedded and leased for $30,000 a year, and the other was not shedded and was used for the purpose of wharfage, bringing in $3,000 a year — do you believe the value of those two piers would be the capitalized value of those two rentals? A. So far as the sheded pier is concerned, you have no right to capitalize the rental of that pier to determine what its value may be.

Q. I ask you whether you think that the actual market value of those two piers would differ as the capitalized value of those rentals

would differ? A. Under what circumstances the market value to be ascertained and determined, under what circumstances?

Q. About what the property would sell for at public auction? A. So as to give an exclusive right to the use of it, or sold subject to all the contingencies which now affect that kind of property?

Q. That is what I mean? A. Those piers have been sold at public auction; there is one notable case purchased by Mr. Huntington.

Q. That was not sold? A. Yes, sir; it was sold at public auction.

Q. That was leased? A. I mean the leasehold interests.

Q. I am speaking about a sale of property? A. A man can sell his incorporeal rights; what those would be, I don't know; I don't recall any sale for a great many years.

Q. Of piers? A. I don't recall any sale; I think the sales have been usually where the property has been held in common and sold for the purpose of partition.

Q. Let me see if I understand the position you take; we will assume, now, that a certain individual was given a grant from the city of New York, which authorized him to build West street and build a bulk-head, and which provided that upon paying certain amounts of money he should have the right to claim the wharfage and cranage there forever; we will assume, now, that the city of New York, through its dock department, has granted him the right to put up a platform and shed it and to devote the property to the exclusive use presumably for the benefit of commerce; we will assume that afterwards the city of New York has made up its mind to change this policy and to acquire that property itself for its own benefit as a proprietor; now, your idea is that the city can take that property away from that man and pay him little or nothing for it, upon the assumption that it would cost him as much to collect statutory wharfage for that bulk-head as it would come to, and that the moment the city has acquired it, it can reconstruct a platform and shed, lease it to some steamship company just as it was before, and put a revenue in its pocket ten times in excess of the amount that it is willing to pay the owner for his property for a time? A. I can answer that very shortly; you speak of my views upon this matter, or my desire; I haven't any views to express which are entirely original nor any particular desire; I am stating that the courts have decided upon this matter, and so far as this enormous increase of value is concerned it is due, as everybody knows, entirely to the privilege of maintaining a shed upon the piers and bulk-heads which conveyed this right to the exclusive possession; and that privilege is one that emanates from the people and is conferred for purely public purposes, and it is not only

logical, but it is right and proper that the advantages of that should come back to the people.

Q. Don't you know that in the trial of the Kingsland case the managers of one-half a dozen steamship lines were called to the stand and testified that they would pay for the use of a bulk-head, without any platform or shed, ten, twenty, fifty times as much money as they could collect from it for wharfage and cranage at statutory rates? A. I don't know; if you say they did, I assume they did; but I don't see what bearing that has on the question; that may influence a question as to the application of the law which the Court of Appeals has established in the Kingsland case, which was intended to lay down a clear rule for the valuation of that kind of property.

Q. Hasn't it this application; the worst that the city can do a riparian owner is to take away his right to maintain a platform and shed without compensation, and if he can transfer what rights are left to the lessee of an adjacent pier and get a rental in excess of what he could get for the use of that bulk-head for statutory wharfage and cranage, why is not that an element of value under the decision of the Court of Appeals? A. Perhaps it may be; I am not laying down any particular rule which is going to deprive a property owner of all the advantages of the decisions which they have obtained as to their vested rights; I simply say that in the Kingsland case that is the principle which the Court of Appeals lays down.

Senator STEWART.—We are very anxious to get at the meat in the cocoanut and we are going so far wide of the mark that I make this suggestion, Mr. Boardman, with all respect.

Mr. BOARDMAN.— But I would like Mr. Beekman to explain why upon his theory the city of New York does not go on and carry out the plan.

The WITNESS. - I understand the city of New York is proceeding to carry out the plan. Quite a large number of piers have been constructed under the plan. I think there are a hundred and eight or ten during the last three years. Of course, until the decision of the Court of Appeals in the Kingsland case, it was impossible for the city to proceed because of the establishment of a principle of valuation that, I think, was finally fixed and determined, and the Kingsland case was decided in the fall of 1889. In reference to that case I would like to say that since I came into the corporation counsel's office, in January, 1889, in going through the work of the office, of course, I took up the question of the litigation affecting the water front and I found that this case had been decided by the General Term and an appeal taken to the Court of Appeals, but it was waiting until a new

calendar could be made up by the Court of Appeals, and it should acquire a position on that calendar. Considering this case as the most important case in the office, that application was made with the concurrence of counsel on the other side, the Court of Appeals to place the case upon the existing calendar and then advance it and set it down for argument on an early day. Accordingly I made that application to the Court of Appeals and it was granted. The case was set down for argument in the following June at Saratoga, and it was decided in October or November of that same year, with the results that I have mentioned, and which, in my opinion, were more valuable than any results obtained by the city in any litigation for many years.

Q. The act of 1871 provides for condemning lands for water rights? A. Yes, sir.

Q. Has any proceeding ever been instituted by the city to condemn any land under that act? A. I think so; yes, sir.

Q. When? A. There was one proceeding instituted, I think, on the Harlem river during my term of office; that was by reason of the provisions of the special act of the Legislature requiring proceedings to be taken during a certain time, and those proceedings were initiated; so long as this question as to the proper measure of value was undecided, it was considered not good policy for the city to institute or prosecute any of these suits to acquire title to land, as, of course, the only question involved in any proceeding of that kind is the question of value.

Q. Have you any doubt upon the constitutionality of that provision of the act which would seem on its face to permit the city to condemn a particular pier leased to the Inman Steamship Company, and then lease the same pier to the same steamboat company to be used for the same purposes that it was used for before the condemnation? A. No, sir; I think it is perfectly constitutional.

Q. That is a point that has been raised in condemnation proceedings? A. Yes, sir.

Q. And the city has abandoned the proceedings in which that point was raised, hasn't it? A. That I don't know.

Q. Do you know of any case where that point has been raised and determined in favor of the city? A. The point was not raised in any case while I was in the corporation counsel's office.

Q. You think that the city could condemn a pier owned by a private individual, and leased to the Inman Steamship Company, simply for the purpose of succeeding to the rights of the owner as a proprietor, and leasing it to the same steamship company for the same use? A. Yes, sir; I think so.

Q. On what theory would that be a public use more than it was before? A. Why, the control which the city, acting for and on behalf of the public, would obtain then over that particular wharf; the city, upon shedding it, would obtain the exclusive control, and it would be a control solely for the benefit of the public.

Senator FASSETT.—These suggestions are made by you, Mr. Boardman, on the theory that we ought to develop all the difficulties that are in the way of the city proceeding to get the entire ownership of the piers?

Mr. BOARDMAN.—Yes, sir.

The WITNESS.—I have no doubt about the ultimate decision of the Court of Appeals upon that question being in favor of the exercise of that right, especially since the decision where they held that the Legislature had the right to regulate and control even a private business, where that interest was embraced with a public interest, such as the elevation of grain.

Senator FASSETT.—I suggest that we do not spend any time in elaborating these points.

The WITNESS.—I would like to say in reference to the litigations that have been conducted that a large number of suits have been instituted from time to time by the city until the city has been successful in recovering large amounts of property which have been taken away from it by private individuals claiming rights of ownership on various grounds, and there has been shown a very large measure of activity in protecting the interests of the city against a species of encroachment on the part of individuals. It has been substantially a race between the city and persons who, either having some right or no right at all, have enormously extended the rights they have by additional claims that the courts have held not to be supported by law, but have taken possession of property and have endeavored to assert a claim by reason of long-continued adverse possession. As the law now stands in all these cases, the court has established the principle that title by adverse possession can not be predicated in reference to property of that description as against the public.

By Senator FASSETT:

Q. Now, Mr. Beekman, to cut this short, will you give me your definite suggestions for proposed legislation? A. While I was corporation counsel under the instructions of Mayor Hewitt, I prepared a bill for the condemnation of private rights along the water front; that bill was prepared after the plan of the bill in

reference to the new aqueduct — without which the new aqueduct would not have been completed at this time; by the terms of that bill the city was to proceed and condemn the property and take immediate possession, and then commissioners of appraisal should be appointed who should determine the compensation to be paid the property owners; the same thing was done in the case of the Erie canal, and that was the precedent for the bill in reference to the new acqueduct.

Q. That was the initiatory move in this State in that respect, wasn't it? A. I think the condemnation law in reference to the Erie canal was the first; the bill was introduced, but it encountered such opposition that it was never reported from the committee.

By Mr. Boardman:

Q. Why don't the city go ahead at once and condemn that? A. I am sure, Mr. Boardman, I don't know.

Q. Well, is there any reason why the city should not? A. None, except this unsettled question in reference to the rights of private owners in the piers.

Q. Won't that question be unsettled just as much if you give them the right to seize all the piers without saying anything? A. That is not my claim.

Senator Fassett.— The committee does not understand that to be the witness' position.

The Witness.— I desire that the property owners should receive a full and fair equivalent to be determined according to the principles of law. But there is this difficulty in the way of an unsettled question of title: that you can not institute proceedings for the condemnation of something — and that is the obstacle in the way — if the city should undertake to condemn rights that they do not claim to exist, the city would estop itself from asserting that legislation did not dispose of that difficulty at all.

By Senator Fassett:

Q. No matter how drastic the remedy, if you can not apply it, the patient won't get the benefit? A. I think that unsettled question — which is the only one of any consequence to the city — ought to be settled as expeditiously as possible, and the matter was under consideration for some time; the matter was brought up by Mayor Hewitt at a meeting of the sinking fund commissioners, the dock commissioners, Mr. Carter and myself; Mr. Hewitt called the meeting at my request, because I was desirous that this question should be

settled in order to remove the least obstacle in the way of carrying out the act of 1871; at that meeting suggestions as to a compromise of the city's position were made; but the ultimate result of the whole matter was that it was considered inexpedient for public officers to attempt to compromise any rights which the city might have, and the suggestion was made that a pier should be selected for the purpose of determining this question, and that the city, or the dock commissioners, should proceed to take forcible possession of that pier solely for the purpose of provoking an action against the city, which would involve the consideration of this question.

By Mr. BOARDMAN:

Q. But that would be a crime, wouldn't it? A. That is as you may look at it.

Q. Wouldn't you look at it in that way? A. No, sir; there would be no criminal intent, and the Court of Appeals has recently held that criminal intent is necsssary in order to constitute crime; but I don't care to enter into a discussion on this subject.

Q. What is the objection to the city bringing a suit itself? A. There seems to be some difficulty in doing that; you can not very well bring an ejectment, because there is not any actual possession predicable in property of that kind in a private individual, and that question would probably defeat the action.

By Senator FASSETT:

Q. Your first proposition is, that we ought to have a more drastic means of condemning the rights of property owners? A. Yes, sir.

Q. Have you a copy of your bill that you prepared? A. No, sir; I have been trying to find it, and if I succeed, I will bring it and present it to the committee.

Q. You still indorse that bill as you did before? A. Yes, sir; with this qualification: that my attention has been called to the fact that there are many persons upon whom a measure of that kind might operate to their detriment, that there are some few people who had an interest in these piers and wharves, who were mostly depending upon what was derived from them for their support; and since that was brought to me, I prepared an amendment that provided that the city should pay the value of the wharfage, whatever might have been previously derived from that wharf from year to year to these people, until such time as a final award was made, and that the amount of the income so received — the city was to receive a credit for the amount of income so paid, upon the interest which it was to

pay upon the amount of this award; but that under no circumstances was the amount so to be credited to be credited upon any portion of the principal; the amount to be paid, in other words, was to be equivalent to the interest, if it amounted to the interest; but if it was less than the interest, it was to be credited on account of the interest; that seemed to answer the only objection which could be made to that bill.

Q. You heard Mr. Dimick's evidence at our last session? A Yes, sir.

Q. That he doubted if it was good policy for any city government to undertake to enter into the possession and control of such an enormous property? A. Yes, sir.

Q. Have you any suggestions to make in that respect? A. I don't agree with him; in the first place, the city is not in possession as a landlord; I understand Mr. Dimick's position was this, as I suppose it must be under the law, that the city, through the dock department, was to regulate the use of the water front; that the city was to confer shedding privileges upon persons having an interest in these piers, and that those shedding privileges were to be revocable.

By Mr. Boardman:

Q. Mr. Dimick did not work it out to that detail; his idea was to have private ownership, then to have the city do the whole thing itself — A. [Interposing.] In other words, that the work was to be done substantially under the same directions that it is done now, that is, under the direction and control of the city, but that the particular work of constructing the piers should be undertaken by a private individual at his own expense; that the right to use that wharf should be subject entirely to the regulations of the public authorities, and he should derive all the emoluments that might be derived from such a pier or wharf; now, it looks to me very much as if the city would still continue to bear all the burden of being a landlord without deriving any advantages from it and I can not understand exactly what the the particular danger was that Mr. Dimick only hinted at.

Q. Suppose the city owned all the piers, and the Pennsylvania railroad's lease of its pier should fall in; the Pennsylvania railroad would then be in this position; it would have to agree with the dock commissioners for a renewal of that lease or get away altogether from the city of New York, and the question is, whether that power is not too great to be put in the control of any body of men, whether they represent the city or not? A. I don't think the Pennsylvania railroad would be in any worse position in the hands of

the city than in the hands of a private owner; in the first place, public officers are amenable to public opinion, and I think the chances of public officers acting to the detriment of the public interests are very much less than would be the chances of such a situation in the hands of the private wharf owners; I have no doubt that should the policy which Mr. Dimick apparently hinted at — and which you are apparently in favor of — of restoring private ownership, it would result in the formation of a gigantic trust, which would control the entire water front with an iron hand and purely in the interests of the private owners, which would be of such enormous wealth and in commerce would exercise such tremendous power that they could command such legislation as they pleased.

By Senator FASSETT:

Q. But doesn't the city own five-eighths of the water front now? A. Yes, sir.

Q. And there is no proposition of the city to abandon anything it has got? A. I know that, but you have got to have a single system applicable to this entire water front; you will find upon an examination of the act of 1871, the idea expressed that the water front should be subject to classification by the dock department; they have the right to award a certain portion of it to one kind of commerce and another portion of it to another kind of commerce.

Q. Have you contemplated the vast cost of this improvement along the water front? A. No, sir; I haven't made any estimate at all, but I am satisfied there will always be money enough to pay for it as fast as it can be made; the water front has earned for the city at least $2,000,000 over and above all that has been expended on it, not only for repairs, but for new construction.

Q. In twenty years it has expended 16,000,000 and received 18,000,000; according to the estimates given before this committee it would cost to complete this improvement in the neighborhood of from 100,000,000 to 200,000,000; now, the city's finances to-day allow a vast margin for bonding the city of $48,000,000; that could be raised by increasing the assessed value of real estate fifteen or twenty millions more; then you would get 68,000,000 as the limit of bonding possibilities, with a total expenditure of 100,000,000 or 120,000,000 to 200,000,000; now, the proposition is I suppose, is it desirable to throw this entire water front open to commerce upon some broad and uniform plan; and the question is how are you going to do it? A. Of course, the water front should be constructed to further the

demands of commerce from time to time, the entire water front is not absolutely required for the uses of commerce; you will find a large portion of the water front on the East River, between Sixty-eight and Eighty-fourth streets, that is not yet ripe for improvement; and allowing that the Legislature has recently authorized the construction of an exterior street, as soon as that portion of the city is ready for it, that street will be constructed; that street is to be constructed partially by the dock department and partially by the department of public works.

Q. It is going to take money, isn't it? A. Yes, sir; but you seem to have ignored an important element, and that is, that the city has already issued a very large number of bonds for the purpose of making these improvements, and it has, on the other side, received from the dock department an amount of money more than sufficient; assuming that the city proceeds just as favorably as she has in the past, I was wondering when in the next century she would complete her water front? A. It does cost about $100,000 to construct a pier, I believe; now, the city can get a revenue of $30,000 a year from that pier; that will pay for the pier inside of four years; I tell you, if Mr. Dimick's idea should prevail, I think there would be no difficulty in finding the people who would be willing to form a syndicate for the purpose of purchasing the city's water front rights for the whole amount of the city's bonded indebtedness.

By Mr. Boardman:

Q. The city's number of water fronts is worth a good deal more than anybody else's; so that the same thing in the hands of the city is worth ten or fifteen times as much as it would be in the hands of a private individual? A. Yes, sir; this great value attaches to this property by reason of the fact that sheds may be placed upon it, and that those sheds are authorized by the Legislature as a matter of regulation to commerce, solely for the benefit of commerce and for the people; that the value which the pier has is a value which is given to it solely by the commerce of the port and by the work and labor of the people themselves, and that it is eminently proper that the emoluments which come in should go to the people; it is very much like a franchise; the principle which has been established by the Legislature for some years has been that franchises which are dead in their nature deriving their value from the public should be sold and a revenue derived to the public treasury; that principle was embodied in the Cantor Act of 1886 and 1887.

By Senator FASSETT:

Q. That has been a very bad principle so far as that act is concerned, hasn't it? A. Well, that is owing to the act and not to the principle, I think.

Q. You think that is a bad application of a very good principle? A. Yes, sir; that was recognized by Senator Stewart in the Rapid Transit Act.

By Mr. BOARDMAN:

Q. There have been two or three recommendations made by the president of the dock board; one was that twenty new piers should be constructed on the Hudson river between Eleventh and Twenty-third streets and that the necessary proceedings be authorized to condemn the land; do you approve of that? A. I approve of that wherever it is desirable that a particular portion of the water front should be improved.

Q. Do you then think that it would be a good plan for the Legislature to give such authority? A. Yes, sir; if any authority is required of that kind.

Q. The suggestion was made by the president of the dock board that, under the law, the plan adopted had become fixed, and that unless you departed from that plan, you could not get the piers in there, and, therefore, new legislation was necessary to authorize that improvement to be made? A. I approve of that.

Q. You think the president of the dock board is right in his construction of the law, that that plan has been adopted and is, under the existing law, fixed, and that new legislation is required to modify it, except to the extent of altering the location of the piers? A. Yes, sir; I would not give any right to alter the bulk-head line.

Q. How about the pier line? A. I think within certain limitations it would be proper.

Q. But the bulk-head line you think ought to be fixed? A. Yes, sir; I don't think there should be any deviation from that except under the sanction of the Legislature.

Q. How about drawing it in? A. I suppose you have reference to that portion along Twenty-third street and north of there; I think there should be legislation which would give authority to draw the line in for the purpose of constructing piers there under such limitations.

Q. Then your recommendations are, in substance, that greater powers be given to the city officials with reference to the altering the plan of 1871, with this limitation; that the location of the bulk-head

line should not be changed except by such authority of the Legislature? A. That is the law now; I am in favor of legislation conferring upon the dock department, with the consent of the commissioners of the sinking fund, the right to alter the bulk-head line within that section of the city, for certain reasons which are peculiar to that portion of the water front, and for reasons which are purely engineering in their nature.

Q. And the right to alter and reconstruct the plan, and the right to alter the general plan elsewhere, provided the location of the bulk-head line be not changed? A. Yes, sir; I do not see any objection to that.

Q. Then you would make the power of condemnation more drastic in the matter of acquiring title before the payment of damages? A. Yes, sir.

Q. And those are the only recommendations you desire to make? A. Yes, sir.

Q. I wish you would tell me whether the iron sheds which have recently been erected on West street in front of the piers occupied by the D., L. & W. R. R. Co., and Mr. Huntington, were erected there under your authority, and while you were corporation counsel? A. I don't remember anything about them.

Q. Were you never consulted about them? A. Oh; on the bulk-head.

Q. The bulk-head is an imaginary line? A. The bulk-head is a line legally established; if you consider it in the abstract, it is an imaginary line.

Q. How can a street be constructed on an imaginary line? A. The bulk-head, as we understand it, when used in defining the rights of parties, is an imaginary line; it is the line of solid filling.

Q. Do you know of any legal authority for the erection or maintenance of these iron structures on West street in front of the D., L. & W. depot? A. I suppose those sheds are maintained under a permit under the shedding act of 1875, which permits the shedding of wharves and bulk-heads.

Q. On a street? A. That is not a street; it is on that portion of West street which has been widened; the Court of Appeals has held in the Williams case that that is not a part of the street.

Q. The Court of Appeals has held in reference to a street up by Twenty-fourth street, that a street down at Charlton street is not a public street; do you say that? A. The Court of Appeals has held that any exterior street laid out by the dock department was not a street strictly within the meaning of the word "street" because that

department had no power to lay out additional streets, or widen a street; that that power was vested in the board of street openings and improvements.

Senator FASSETT.—All this is entirely foreign to our investigation, and is a conversation between the witness and Mr. Boardman, relative to suits between the city and private individuals; I would like to have Mr. Beekman's further recommendations on the question of remedial legislation, if he has any.

The WITNESS.—I have no further recommendations.

By Senator FASSETT:

Q. What objection have you to this proposition that has been advanced before the committee; there is a general plan now on the statute books which has been adopted, and we may regard it as a matter of record; now, assuming that private owners are private owners, they can not go on and improve their property on account of the uncertainty of their tenure, and the city is not advancing very rapidly in improving the water front because of difficulties between it and private owners; how would it do to have the Legislature pass an act giving these additional powers that you have mentioned to the city authorities, with reference to changing the lines, and so forth, and then to fix upon a time within which the city must take some definite procedure to obtain possession of all the water front; the private owners may then have a permanent ownership and improve their own piers all the time in accordance with the plans? A. I don't think there is any difficulty of that kind between the city and the private owners.

By Mr. BOARDMAN:

Q. Don't you know there are applications in the department for permission to build bulk-heads which are not acted upon because the dock department claims that no bulk-head should be built except the new stone bulk-head upon the new line, and that when built that has got to belong to the city? A. I think that is perfectly proper; it estops a man from improving the water front in his own way; the policy of the Legislature has been, and is now, and ought always to be, that the water front should be under the control of the public authorities exclusively, for the benefit of the public, and be improved in the best possible way, in order to use the water front for the benefit of commerce; I don't believe in extending a cordon of private ownership around this city.

By Senator FASSETT:

Q. How can there be such a thing when there is only three-eighths of the water front owned by private ownership? A. But I understand the scheme to be that there should be a private ownership around this city.

Q. What scheme; there hasn't been any scheme advocated here? A. It has been advocated by Mr. Dimick; he said he looked with some degree of fear upon the city becoming the greatest landlord in the world.

Q. But he didn't say anything about private citizens obtaining another yard of the water front? A. Then might I ask what all this is in reference to a possible or probable ownership of any number of water fronts; that is the principal reason I am here, to combat that.

Q. There has never been anything before this committee except an effort to find out from somebody what the difficulties were in the present condition to improving the water front, and after diagnosing the disease to ascertain what the best remedies were; the chair has been constantly combating the effort on the part of witness and of counsel to try any case here; what we want is to know these few things; what is the trouble, if any; what is the best remedy for the trouble; should the city ever own the entire water front, or should the motley ownership of city on the one side owning five-eighths, and individuals on the other side owning three-eighths of the water front continue, and if so, under what conditions; and what action on the part of the Legislature is necessary to bring about the solution; that is all there is to it, and I wish I could strike out about three-quarters of all the record the stenographer has taken here to-day, which is irrelevant to this inquiry; I think Mr. Dimick gave us a very clear idea of his views, and I have gained from you the information that you believe that the city ought at some time to own the entire water front, and that legislation looking to that end should be enacted? A. Yes, sir; and also that the Legislature in 1871 expressly had that object in view in the act which organized the dock department.

Q. It is now almost twenty years, and not much progress has been made? A. I understand that, but who is to blame for it?

Q. That is what we are trying to find out? A. Then, if you will listen to this, you will then find out; I read again from the decision of Judge Finch: "Originally, as we have elsewhere said, the duty of building wharves and exterior streets and filling out to them was imposed upon the riparian owners, and was, perhaps, for a

time, more of a burden than a benefit, since such owner gained no exclusive rights in the wharf at his water-front beyond that of the sums payable as wharfage, cranage and dockage by the vessels enjoying its use. The wharf or exterior street was a public wharf, open to the commerce of the port, and the free passage of the people; and authority to incumber it was not only wanting from its inherent nature and character, but any such incumbrance was positively forbidden by statute. Nevertheless, the needs and convenience of commerce and the persistent encroachments of private interest gradually pushed aside the prohibition of the law or modified its restraints by new legislation. Lines of steamers sought and obtained exclusive privileges at particular wharves, paying rentals therefor, which steadily grew to very large amounts. They needed, also, sheds to cover and protect their freight, and these were built not only upon the piers, but upon piles driven into the land under water in front of the wharves which bounded the exterior street. These constructions gradually converted the public wharf into what became practically, and for the time being, a private ownership, the price of which steadily increased as it encroached upon the public right and fed upon the submission and endurance of the municipality." That defines exactly what the condition of the water front became under the stimulus of this great demand for commercial purposes and the facts that so-called rights of private owners were enormously beyond anything which the law had ever given, and it is that which the city has been contending against for so many years.

Q. I have listened in vain yet to find out who is to blame for it? A. Just allow me to read further: "This gradual progress toward the ultimate result and the character of the privileges obtained may be usefully studied in connection with the history of plaintiff's wharf-right, for the value of which this action is brought. It was situated between two piers, numbered 44 and 45 respectively, and was a bulk-head forming the water-line of the exterior street, known as West street, and had a length between the two piers of a few inches over 104 feet. The city had constructed and owned pier 45, which was at the foot of Charlton street, and the ownership of pier 44 was in persons other than the plaintiff or his predecessors. They had, therefore, simply a wharf right for the length of the bulk-head between the two piers. No vessel exceeding that length could lie at the wharf for the purpose of loading or unloading, and its use was consequently confined to canal boats and the smaller classes of vessels carrying brick or lumber. Its separate value as a wharf was, there-

fore small. It was rented in 1866 in connection with the upland lots used as a lumber-yard for a total of $3,000 a year; a provision in the lease indicating that the wharf's proportion of the annual rent was $1,000. As late as about 1872 the lessees sublet the wharf for the last year of their lease for $1,800." This is the very property in reference to which the owner was entitled to $1,000 a running foot, amounting to $104,000; whereas, in 1872, it was bringing in only an income of $800 a year. "And this moderate rental, but little more than the wharfage possible of collection, was charged and paid, although two things happened which added to the usefulness of the property. In 1852, the city permitted the owner of the bulk-head to bridge out, as it was called, or build a platform on piles, extending thirty-five feet from the bulk-head line, which construction practically extinguished the wharf right as it was granted, or pushed it to the outer edge of the platform, and so gave to the owner an area for the landing and movement of freight outside of the exterior street. This platform stood upon the city's land under water, and the value of its use as an incident of the wharf right was a pure gratuity to the wharf owner, while the permission lasted. That permission, however, was unlawful and void, and both given and acted upon in direct defiance of the existing statutory prohibitions. The law of 1798 which was then in force (chapter 80), the act of 1801 (chapter 129, section, 10), and Laws of 1875 (chapter 378), forbade any structures except piers and bridges connecting them with the street outside of the bulk-head line or line of solid filling, and the city had no power to grant the permission given, and the wharf owner acquired no rights under it. Beyond that the permission, even if lawful, was merely a license and revocable in its nature, a privilege which the city might withdraw at any moment, and which it was its duty to withdraw." The court then goes on to consider the enactment of the law of 1858, giving this preferential use to certain steamboat lines.

Q. I think we understand about that; I think there is no room for an honest difference of opinion as to what the situation is; as to what the law may be, there may be a difference of opinion, but as to where the remedy is, that is where we have the most concern? A. I think there is some great injustice going to be done by the city to private owners; the courts have adjudicated that almost all of the elements taken into account were elements that were entirely illogical in their nature, and, therefore, were not proper attributes of value.

Q. You think the city has been peculiarly victorious, and the private owners seem to be pretty well satisfied with their victories?

A. I am quite certain there should be no remedy looking to a change of policy in dealing with the water front; in addition to the control which the Legislature has, there is a possible control vested in the federal government; that control has not yet been exercised, but, of course, it is always a possibility that in so far as public regulations are concerned our water front may be subject to those regulations by Congress, and as soon as the federal government saw fit it would become exclusive; of course, we don't desire any interference of that kind, and as long as the water front is held purely in the public interests I don't apprehend there will be any interference.

Q. And you must proceed upon that theory? A. Yes, sir; now, I should like to read just one other portion of this opinion: "It must be kept in mind that the subject of valuation is not physical and tangible property which can be measured or weighed, but an incorporeal right which can only exist by force of the law and under its shadow (Langdon v. The Mayor, *supra*), and can never be more than that law creates or sanctions. The city took, and was required to pay for such an incorporeal right, and its extent or value can not be broadened or increased because its situation furnished convenient opportunity to commit a trespass or maintain a nuisance; compensation was to be made for a wharf right; not for a wharf wrong for what the law authorized and recognized; not for what it forbade and condemned. The city did not take from the plaintiff the right to build a platform beyond the bulk-head line and maintain a shed upon it since he never had any such right to be taken away. It never had an existence. It stood only upon sufferance and that sufferance had ended. Adding to the value of the wharf-right with its lawful incident of preferential use by taking into account an unlawful platform and shed, and the chance of maintaining it unmolested is giving to the property as an element of increased value its convenient situation for violating the law and capitalizing the existing and expected profits of that violation. The same reasoning might lead to an increase of value in cases much more harmful and reprehensible." That does not define very clearly the understanding of the Court of Appeals as to this situation, and the element of private right or objection connected with the water front.

Senator FASSETT.—The committee will now adjourn, subject to the call of the chair.

NEW YORK, *March* 14, 1891.

Present — Senators Fassett and Stewart.

HENRY M. TATE, being recalled, testified as follows:

By Mr. IVINS:

Q. Mr. Tate, have you a statement, in a succinct form, of the examinations, tables and recapitulations, which you have made from the books of the several departments of the city of New York? A. Yes, sir; I have, so far as those statements are complete; there are some of the examinations of some of the departments which are not complete, and I have those added to my statement.

Q. Will you please give us a list of the examinations, so far as the same are complete, including those which have already been submitted? A. Yes, sir; I have a summary here.

[The paper referred to was marked Exhibit 1 of this date.]

Q. Now, will you present all of the reports contained in this summary which have not already been introduced and verify the same? A. Yes, sir; the first is: Pay-rolls of the police department for the year 1890, based on the pay-roll for the month of September, 1890.

[The document above referred to was marked Exhibit 2 of this date.]

Recapitulation of the salaries of commissioners and employes of the police department for the year 1890, based upon the pay-roll for the month of September, 1890. [The document above referred to was marked Exhibt A 2 of this date.]

Statement showing the supplies purchased by the police department from January 1, 1889, to October 1, 1890, giving the date of the purchase, the name of the party from whom the goods or material were purchased, and the amount of the bill in each instance. [This document was marked Exhibit 3 of this date.]

Report of examination as to system of keeping accounts in the treasurer's office of the police department, also system of keeping the accounts of the police pension fund, and the various books kept by the treasurer of the board of police in his capacity as treasurer of the pension fund, with sundry other information. [This document was marked Exhibit A 3 of this date.]

Statement of material, supplies, etc., purchased by the police department from January 1, 1889, to October 16, 1890, not including expenditures for alterations, additions, fittings, etc., station-houses expenses, expenses of detectives and other contingent expenses, arranged to show total amount purchased of each indivdiual or firm.

[This document was marked Exhibit 4 of this date.]

Statement of the receipts account police pension fund from 1885 to 1890, inclusive, showing in detail the sources from which the moneys came, and the disbursements, showing in detail the various accounts and the persons to which the disbursements were made. [This document was marked Exhibit 5 of this date.]

Statement of the appropriations made by the board of estimate and apportionment account police department, from 1885 to 1890 inclusive, showing in detail the special purposes for which the appropriations are made, and a statement of the moneys received from other sources by the treasurer of the board of police, from January 1, 1886 to October 1, 1890, not including account of receipts from the pension fund. [This document was marked Exhibit 6 of this date.]

Statement showing the expenditures in detail of the police department, from January 1, 1885, to October 1, 1890, and accounting for the appropriations from 1885 to 1890 inclusive. [This document was marked Exhibit 7 of this date.]

Comparative statement of the amounts paid for salaries and pay-rolls of the department of public works, from January 1, 1885, to October 1, 1890, inclusive, and the various accounts for which the salaries and wages of pay-rolls were paid, and a recapitulation showing the total salaries and pay-rolls and each account for which the same were paid. [This document was marked Exhibit 8 of this date.]

List of various officials, appointees, engineers, clerks, inspectors, draughtsmen, etc., appearing on the pay-rolls of the department of public works for the month of July, 1890, and the rate of compensation, annual or per diem, which each received; also a statement showing the various other employes of the department for the weeks ending July fifth, twelfth, nineteenth, and twenty-sixth, and August 2, 1890. [This document was marked Exhibit 9 of this date.]

Statement showing in detail the expenditures of the department of public works, from January 1, 1885, to October 1, 1890, including the liabilities of the several accounts for orders issued and not returned, for percentages retained on uncompleted contracts, and for balances not yet due on contracts in process of completion, giving in detail the particular account for which such expenditures or liabilities were incurred. [This document was marked Exhibit 10 of this date.]

Department of public works, general statement of receipts and, expenditures, from January 1, 1885, to October 1, 1890. [This document was marked Exhibit 11 of this date.]

Detailed statement of orders issued by the department of public works for materials and supplies, from May 1, 1889, to October,

1, 1890, giving the date when each order was issued, the name of the individual, the nature of the labor and material supplied, the estimated amount of the order, the amount returned upon the order, and arranged under the title of the account for which appropriations were made by the board of estimate and apportionment. [This document was marked Exhibit 12 of this date.]

Statement showing, in detail, the amount paid for traveling expenses horse and wagon hire, expressage, postage and petty expenses, in the department of public works, from May 1, 1889, to October 1, 1890, the name of the party incurring such expense, and the account for which such expenditures were incurred. [This document was marked Exhibit 13 of this date.]

Statement giving, in detail, the various orders issued by the department of public works, from May 1, 1889, to October 1, 1890, arranged to show the individuals to whom such orders were issued, the date and nature of the labor or material furnished, the account for which such materials were used, and the amount of the order returned, in order to show the orders issued to each separate individual during the period named. [This document was marked Exhibit 14 of this date.]

Statement containing the names of the principal parties who have furnished supplies, materials, etc., in amounts under $1,000, at one time, to the department of public works, from May 1, 1889, to October 1, 1890, giving the total of the orders returned by each individual. [This document was marked Exhibit 15 of this date.]

General statement respecting the orders issued by the department of public works. [This document was marked Exhibit 16 of this date.]

Statement showing the sewer contracts awarded by the department of public works, May 1, 1889, to October 1, 1890, arranged to show, under the name of each contractor, each contract that was awarded, its estimated cost, its completed costs, etc. [This document was marked Exhibit 17 of this date.]

Detailed statement respecting sewer contracts issued by the department of public works, from May 1, 1889, to October 1, 1890, giving the name of the party to whom each contract was awarded, the sureties, the date of the contract, the date of its completion, if completed, memorandum of all bids upon each contract, the name of each bidder the quantities estimated for, and the price in each instance, and the total amount of each estimate, calculated on the estimated quantities and the completed cost, if completed. [This document was marked Exhibit 18 of this date.]

Statement of miscellaneous contracts awarded by the dep of public works, from May, 1889, to October 1, 1890, arranged the contracts awarded to each contractor, the estimated cost completed cost, if completed. [This document was marked Ex of this date.]

Detailed statement of miscellaneous contracts issued by the ment of public works, from May 1, 1890, to October 1, 1890, gi name of the party to whom each contract was awarded, the n the sureties, the date of the completion of the contract, if con memorandum of all bids, giving the name of each bidder, the ties estimated for and the price of each article, and completed completed. [This document was marked Exhibit 20 of this da

Statement of regulating and grading contracts, awarded department of public works, from May 1, 1889, to October 1 showieg the contracts awarded to each contractor, the estimat and the completed cost, if completed. [This document was Exhibit 21 of this date.]

Detailed statement of the regulating and grading contracts by the department of public works, from May 1, 1889, to Oct 1890, giving the name of the contractor, his sureties, date of tl pletion of the contract, if completed, memorandum of all bids, th of each bidder, the quantities estimated for and the price article, total bid of each bidder and completed cost, if con [This document was marked Exhibit 22 of this date; Exh below.]

Detailed statement of the paving contracts awarded by the ment of public works, May 1, 1889, to October 1, 1890, giving th of each contractor, his sureties, date of completion of the cont completed, memorandum of all bids, the name of each bidc quantities estimated for and the price of each article, total of ea as estimated, and the total cost of each work, if completed. [T ument was marked Exhibit 24 of this date.]

Comparative statement of the work done in the bureau of stre roads, department of public works, for years ending June 30, 18 June 30, 1890. [This document was marked Exhibit 25 date.]

Statement of paving contracts awarded by the department of works, May 1, 1889, to October 1, 1890, arranged to show the co issued to each contractor, the estimated cost and the complete if completed. [This document was marked Exhibit 23 of this d

Comparative statement of the moneys received in the bureau water register, department of public works, for water rents, pe

repairs, etc., for the years ending June 30, 1888, and June 30, 1890. [This document was marked Exhibit 26 of this date.]

Statement of the yearly revenue derived from Croton water, from its introduction in the city in 1842, to January 1, 1890; statement of the water rents returned to the comptroller's clerk, of arrears, during the same period, and the bureau of the water register, department of public works. [This document was marked Exhibit 27 of this date.]

Memorandum respecting work performed and supplies furnished in the bureau of supplies and repairs, department of public works. [This document was marked Exhibit 28 of this date.]

Comparative statement respecting the bureau of lamps and gas, department of public works for the years ending June 30, 1888 and June 30, 1890. [This document was marked Exhibit 29 of this date.]

Comparative statement of the work performed, etc., in the bureau of street improvements, department of public works for the years ending June 30, 1888 and June 30, 1890. [This document was marked Exhibit 30 of this date.]

Comparative statement of work performed, etc., in the bureau of street incumbrances, department of public works, years ending June 30, 1888 and June 30, 1890. [This document was marked Exhibit 31 of this date.]

Comparative statement of work performed, etc., bureau of the engineer in charge of sewers, department of public works, for years ending June 30, 1888 and June 30, 1890. [This document was marked Exhibit 32 of this date.]

Comparative statement of work performed in the bureau of chief engineer, Croton aqueduct, department of public works, for years ending June 30, 1888 and June 30, 1890. [This document was marked Exhibit 33 of this date.

Comparative statement of work performed, etc., bureau of water purveyor, department of public works, for years ending June 30, 1888 and June 30, 1890. [This document was marked Exhibit 34 of this date.]

Pay-roll of the department of public parks for 1890, based on the pay-roll of December, 1890, with a classification of the employes. [This document was marked Exhibit 35 of this date.]

Comparative statement of appropriations and expenditures, account of department of public parks from 1885 to 1890 showing in detail the various accounts for which such appropriations were made and such expenditures incurred, also showing the receipts from 1885 to 1890 and the sources of such receipts. [This document was marked Exhibit 36 of this date.]

This exhibit also shows the amount transferred to other departments, the amount returned to the general fund and amount of appropriations made by the board of estimate and apportionment.

Detailed statement of expenditures by the aqueduct commission from its inception in 1883 to January 1, 1891, showing the various purposes for which such expenditure were made, giving the total of such expenditures and the amount of bonds issued in connection with the new aqueduct. [This document was marked Exhibit 37 of this date.

Pay-roll of the aqueduct commission for 1891, based on the pay-roll for January, 1891. [This document was marked Exhibit 38 of this date.

Report of the examination of the health department as to appropriations and expenditures from January 1 to January 1, 1891, inclusive showing the appropriations for 1891, and sundry statistics regarding the health department. [This document was marked Exhibit 39 of this date.]

Comparative statement of the work performed in the office of the attorney and counsel for the health department of the city of New York from 1888 to 1890 inclusive; also showing the moneys collected and paid to the city chamberlain and the fines imposed for the violation of the health ordinances by the criminal court. [This document was marked Exhibit 40 of this date.]

Pay-roll of the health department for 1890, based on the pay-roll for December, 1890, and also satisfying the employes. [This document was marked Exhibit 41 of this date.]

Comparative detailed statement of appropriations, account of the health department from 1886 to 1890, inclusive; also detailed statements of expenditures, and the various accounts for which such expenditures were incurred, and accounting for the appropriations made in the several years by the board of estimate and apportionment. [This document was marked Exhibit 42 of this date.]

Comparative statement of expenditures of New York city civil service boards from January 1, 1886, to January 1, 1891, and accounting for the appropriations made for the same period. [This document was marked Exhibit 43 of this date.]

Report of examinations of New York city civil service boards from 1886 to 1890, inclusive; also containing sundry statistics respecting the said board. [This document was marked Exhibit 44 of this date.]

Statement showing the amounts paid by the city of New York for salaries and pay-rolls for the year 1889, giving in detail the amount paid for each department and bureau, and for the several accounts in

each department and bureau, in both the appropriation and trust account. [This document was marked Exhibit 45 of this date.]

Statement showing the date of the beginning of the fiscal year in each of the several cities of the State of New York. [This document was marked Exhibit 46 of this date.]

Statement showing the appropriations and expenditures of the department of the commissioners of accounts from 1886 to 1890, inclusive, giving a detailed statement of the purposes for which such expenditures were incurred, and the pay-roll for 1890, based on the pay-roll for December, 1890. [This document was marked Exhibit 47 of this date.]

NEW YORK, *March* 30, 1891, 10.30 A. M.

Present — Senators Fassett, Stewart and Hendricks.

WILLIAM BREEDON, being sworn, testified as follows:

By Mr. IVINS:

Q. Are you the mayor of Amsterdam? A. I am.

Q. How long have you been mayor? A. I was elected on March 3, 1891.

Q. When did you first receive notice or know that certain questions had been asked by this committee of the mayor of Amsterdam? A. Not until after I had the subpœna; I was at my place of business and I was subpœnaed, and I didn't know what was meant by the subpœna, and the young man that subpœnaed me had to go right away, and I went to the city clerk and asked him whether he knew anything about these questions, and he said that Waldron had had a schedule of questions from this committee that should have been answered; I said, "Well, why were they not answered;" he said, "Well, I do not know; Mayor Waldron wouldn't answer them;" "Well," I said, "you see the consequences, those questions should have been answered, and now I have got to go down and get out of it the best I can.

Q. Have you now a copy of the list of interrogatories? A. Yes.

[Witness produces copy of interrogatories heretofore sent by this committee.]

Q. Have you made any attempt to answer any of the questions in this list? A. So far as lies within my power; I didn't go over that list until Saturday morning last.

Q. Do you think that the answers which you have prepared are as complete as it would be possible for you to make them? A. I think they are.

Q. Are they as complete as it would be possible for you to make them later on? A. To the best of my knowledge they are; I have looked over them and answered them to the best of my knowledge.

Q. Now, the first question given in the list is as to the officers in your city who are elected by the people? A. That is contained in my answers.

Q. I notice here in answer to the twenty-fourth interrogatory: "Has your city any floating debt;" you say: "Yes; about $12,000 for the year 1890;" what do you mean by that? A. The city is in debt; that is, the city, without any of its bonds that are behind, about $12,000.

Q. What is the evidence of that debt; are they treasurers' notes or mayors' notes; how is that done in your city?

By Senator HENDRICKS:

Q. Is that a deficiency? A. Yes; that is a deficiency, which will be shown here.

Q. Did that deficiency all occur in that year? A. No, sir.

Q. It is something brought over from a former year? A. Yes, sir; the business has been in a very unsatisfactory state for some time, and there have not been any audits made at the end of the year as there ought to have been; and there would not have been this year if I had not got up and told them that I should entertain no motion, but what was absolutely necessary, nor do no business with the exception of signing the treasurer's bonds and such, until we had got the indebtedness of the city, and it was with extreme difficulty that I got it.

By Mr. IVINS:

Q. Did you find a balance sheet of the city's accounts when you went into office? A. No, sir.

Q. Or any statement of the assets of the city? A. No, sir.

Q. Any statement of the employes of the city? A. No, sir.

Q. Do you know how long it has been since a statement of assets and liabilities or a balance sheet, had been made? A. I think about four years, as near as I can find out—four or five years.

Q. You say you sat down and said nothing should be done until you got a statement of the financial situation of the city? A. That is so.

Q. How long did it take you to get that? A. It took from four to five days; a finance committee was appointed with a man to assist by Senator Hendricks.

Q. Do you have a city treasurer? A. Yes, sir; that is the only financial officer.

Q. He is the financial officer of the city? A. Yes, sir.

Q. Does he make out a report every year? A. He should.

Q. Doesn't he? A. Yes, sir; he makes a report; but the report ha not been compared with the city clerk's.

By Mr. Ivins:

Q. In what form was that statement of the financial condition of the city made to you; was it a statement of assets and liabilities or a balance sheet struck from the books? A. It was a statement of assets and liabilities; this is the statement [producing statement].

Q. This printed one? A. Yes, sir: this is March, 1891.

Mr. Ivins offers in evidence the answers to the interrogatories produced by witness [marked Exhibit A].

Mr. Ivins also offers in evidence the statement produced by witness [marked Exhibit B].

Q. One of the results of your investigation was to discover that there was this deficit of $12,000? A. Yes, sir.

Q. Was there anything on the face of the books to show that there was any such deficit? A. Nothing any more than it being allowed to run.

By Senator Fassett:

Q. That is, there had not been a balance struck? A. There had been no balance struck; no, sir.

By Senator Hendricks:

Q. I suppose that grew out of a custom of allowing one year to run into another? A. I suppose so.

By Mr. Ivins:

Q. What have you found the general condition of the administration of the city upon entering office? A. It is in debt.

Q. I don't mean its financial condition, I mean the way in which the business of the city is now done and has been done during the past, as to the competency of the people who hold the offices and the satisfaction with the way in which they have performed their duties? A. I can tell you that for this last few years there has been business transacted three or four years ago that still remains unsettled.

Q. In what departments? A. It is principally on streets and pavements; the grading of the streets.

Q. What is the condition of the streets in that city? A. Rather bad.

Q. How much has been spent for streets within the last five years; do you know that? A. I can not tell the last five years; I believe the

last year, you will get an account of it here; I think it was somewhere about $12,000.

Q. What is the condition of these unfinished contracts on grading? A. They have been assessed; there seems to be a kink somewhere or another, that they can't collect the assessments only by levying, and they don't know whether to do that.

Q. And the work on contracts is held back pending the collection of the assessments on the benefited property? A. Yes, sir.

By Senator HENDRICKS:

Q. Have you got a limit in your charter as to how much money can be expended? A. Yes, sir.

Q. Upon the whole amount that you can expend? A. Yes, sir; the limit is $50,000.

Q. That is for the whole city expenses? A. Yes, sir; that is by general taxation; and then there is license money goes in with that.

Q. Where do you put your license money, in the contingent fund? A. It has been generally turned into the regular fund.

By Mr. IVINS:

Q. What was the total annual cost of the government of the city last year in round figures? A. I can't tell; the total receipts were $146,298.

Q. You said you were only allowed to raise by taxation $50,000? A. That is for the regular expenses of the city, and then we have school taxes.

Q. Don't the school taxes go into the city expenditure? A. Yes sir; but there is a tax collected to supply that, and likewise for the street grading.

Q. That is assessed upon the property? A. Yes, sir; the total disbursements were $145,865.19.

By Mr. IVINS:

Q. Have you any suggestions to make in regard to the improvement of the administration of your city government? A. Not at present; as I say I have just commenced, and I have got a pretty hard load on my hands before I can get going.

Q. You have not fairly got hold of it yet? A. No; I have not thoroughly got to that question; I think there are considerable improvements that can be made, which I intend, as I go on, to make a note of.

By Senator FASSETT:

Q. Do you know why your predecessor hesitated about answering those interrogatories; do you know why we never got any answer from him? A. I do not know; I understand that he said it would cost too much money to fit him to go and make it out, and he wouldn't do it.

By Mr. IVINS:

Q. How much expense have you been to in getting up that report? A. It was done by the board of aldermen with the exception of one other man with them.

Q. How long did it take you to get that report? A. It took me in the neighborhood of two weeks before I got it; that is, they began on one week and didn't finish it till the other.

Q. You are now speaking of the financial report of your city, made on your request by the board of alderman, are you not? A. Yes, sir.

Q. I was speaking of this particular report which you had made to us; we will go back to that other; there was no such report in existence as that which you now bring to us prior to your going in there as mayor, was there? A. No, sir; there was not.

Q. And it is therefore possible that that is one of the reasons why the ex-mayor did not answer the question, that the report did not exist on which he could base his answers, isn't it? A. I can not answer for him; he had no report the year before.

Q. The making of that report which the board of aldermen made to you, was a report which ought to have been made at the city's expense, and ought to have been made every year? A. Every year; yes, sir; that is the reason why I took that stand at the commencement.

Q. How long did it take you to get up your answers to my questions, once you had the report on your own books in shape; it took you one day, didn't it? A. Yes, sir.

Q. To answer the question why the ex-mayor of Amsterdam did not answer my questions, it was because he wrote us letters repeatedly to the effect that it would be necessary for this committee to pay the expense of getting up the answers to these questions, in other words necessary for this committee, virtually, to pay the expense of making up the books of the city of Amsterdam; that was the reason which he gave? A. Whether he intended it in that shape or not, I can't tell.

Q. Those were the reasons which he gave? A. He certainly did not treat this committee with any courtesy whatever.

By Senator HENDRICKS:

Q. How are you going to provide for this deficiency? A. That will be just as the citizens of Amsterdam decide, whether that will be by special tax or in what way; it has got to be done, I suppose, by special tax.

Q. Have you got any provision in your charter by which the board of aldermen or the mayor, who contract debts beyond the limit of the charter, shall be personally responsible for them? A. Yes, sir.

Q. There is such a provision? A. They are guilty of a misdemeanor if they overrun the limit.

By Mr. IVINS:

Q. Is this item of $12,000 distinctly such a case as that? A. Distinctly such a case as that.

Q. Have any steps been taken to indict the mayor? A. That has been overrun by two or three.

Q. Have any steps been taken to hold anybody responsible for it? A. They have not done so yet.

Mr. IVINS.— That is all now. We are very much obliged to you.

The WITNESS.— Anything that you feel that I can answer I shall be very happy to give it prompt attention; I am very sorry that you have been treated as you have by our ex-mayor.

Senator FASSETT.— We are very sorry to have to put anybody to the inconvenience and expense of coming down here. The State does not permit us to pay fees even for summoning a witness; but it does give us power to be very peremptory, and we have not wanted to use that power.

The WITNESS.— These are questions that by law should be answered and if we are good law abiding citizens we will do so as far as we can; I can tell you, as I told them promptly, the platform I am elected on — we always expect to give way a little, but they will find that I am as firm as a rock; and if you had seen the stand that I had to take when I first took the oath of office, you would have been surprised; I might have been kicked out if they had dared to do it, but I don't know whether they would.

WILLIAM MARTIN was then sworn, and testified as follows:

By Senator HENDRICKS:

Q. You are mayor of Dunkirk? A. Yes, sir.

By Mr. IVINS:

Q. How long have you been mayor of Dunkirk? A. I was elected the third of March, I believe.

By Senator HENDRICKS:

Q. Did you succeed Mr. Bookstaver? A. Yes, sir.

By Mr. IVINS:

Q. Have you ever had your attention called to that list of questions as having been sent to your predecessor in office? A. No, sir; I saw him on Saturday in the tax collector's office and spoke to him about it, and he said that he had been summoned down here last year on some civil service matters, but he made no reference whatever to any document for that character ever being sent there.

Q. Did he tell you that he had a document from the cities committee of the Senate? A. No, sir.

Q. Those civil service matters were entirely distinct from this? A. He gave no information that he had anything, and I did not know what was wanted and I could not find out; it was a matter that was really a great inconvenience to me in my business to come; I am away from home most of the time.

Q. In view of the fact that you had just been elected; that you never knew that interrogatories had been sent; that your predecessor in office did not even inform you of the existence of such interrogatories or that they had been put to him, and that you are in complete ignorance of the reasons for which you were sent to come here to-day will you undertake to answer these questions as well as it is possible for you to answer them, or give the reasons for your inability to answer them, if the list be now given you, and will you do so within the coming week? A. I will; as I told you before the committee met I have been busy all the time in getting some arrangements made for the improvement of our streets; we are pretty close to the lake; but we swim almost in mud; we are just getting amendments through the Senate now, so that all the property holders will pay for their own paving, and the city will pay about $10,000 a year for crossings.

By Senator HENDRICKS:

Q. And for cleaning? A. That will come out of general tax.

By Senator FASSETT:

Q. The city pays for the crossings? A. Yes, sir; for the crossings; we have a limit of $10,000 that can be raised, known as the street improvement fund; that is for paving or improving the streets or crossings, and the citizens pay opposite their property.

By Senator HENDRICKS:

Q. What has been the law before this amendment that you are now proposing? A. They had an amendment two or three years ago to their charter permitting them to raise $10,000 a year for improving the streets specially.

Q. No assessment upon the property? A. No assessment upon the property.

Q. The city has borne all the expenses? A. Yes, sir; and it was an impossibility to accomplish anything.

OSCAR F. PRICE was then sworn and testified as follows:

By Mr. IVINS:

Q. You are mayor of Jamestown? A. Yes, sir.

Q. How long have you been such? A. Five years.

Q. Did you ever receive a copy of that list of interrogatories sent you by this committee? A. I received a list; I presume this is the one.

Q. Will you tell the committee why you didn't answer the questions? A. I turned the matter, after I got it, over to our city attorney and asked him to look up the statistics; I believe there is quite a little about the amount of taxes that have raised in several years past; and after a while I got a letter from the committee, and I went to the city attorney to see about this matter and told him to look these questions up; he made an effort to find them but has mislaid them in some way and couldn't find them, so the matter sort of ran along.

Q. How long has he been city attorney? A. He has been city attorney something over a year.

Q. Is he elected or appointed? A. He is appointed.

Q. Did you appoint him? A. Yes, sir.

Q. Did you know when you appointed him that if he lost a paper of that kind you were appointing a man who did not know enough to write for another or ask for another? A. I don't know; I guess he was appointed before this paper was sent there.

Q. Did he ever make a suggestion that it would be the courteous thing to this committee, and his duty as a public officer to get a new list of questions if he had lost the old one? A. I do not remember whether he ever suggested that or not.

Q. You referred to the condition of taxes there; are the affairs of your city in such a condition that these questions can not be answered? A. No, sir; our city is in good condition.

Q. Do you imagine there would be any difficulty in answering any of these difficulties? A. No, sir; I don't suppose there would be; that had no bearing upon it at all.

Q. That is the assumption naturally that that had no bearing on it? A. No, sir; our city is out of debt and in good condition.

Q. Then the only reason why these questions were not answered was because the attorney lost the paper? A. That is all; it was simply a matter of negligence.

Q. Will you see to it that those questions are answered within the next week? A. How soon do you want them?

Q. We have been waiting for a year and a quarter now; we want them, as the Frenchman said, yesterday; we have been holding back our report for a long time, just because of the absence of those papers.

Senator STEWART.—Mr. Ivins, how many reports have you in now?

Senator FASSETT.—We have got them all but these five.

By Mr. IVINS:

Q. What became of the other copies of these interrogatories that were sent to you; our books show that we sent four or five sets of them? A. I did not know that there was but one set sent to me; I do not remember that I got more than one set.

By Senator FASSETT:

Q. Who received your mail? A. I did.

Q. Were these letters sent by registered mail, any of them?

Mr. IVINS.—No; none of them,

The WITNESS.—I got more than one communication from the committee, but I don't remember that I got more than one list of questions.

Q. How soon do you think you can send us the answers? A. I was thinking you had better send a set to our city attorney, as I don't know that I shall go home inside of a week.

By Senator HENDRICKS:

Q. You have a city clerk? A. Yes.

Q. It seems to me the city clerk would be the proper one? A. Our city clerk and city attorney are one person.

Q. What is his name? A. Robert G. Shaw.

Q. The city clerk and city attorney are one person? A. Yes.

By Mr. IVINS:

Q. Will you write to him from here and give him instructions to answer these questions at ones? A. Yes, sir.

Q. If you will do that now that will be all? A. Our city is probably rather an exception to most of the cities; we practically don't owe a dollar.

By Senator HENDRICKS:

Q. Haven't you any bonded indebtedness? A. No, sir.

Q. Nor any floating indebtedness? A. I think there is about $2,500 that is all, in the shape of mortgage, and we have got a surplus in the treasury sufficient to pay that this year, so we practically don't owe a dollar.

Q. How much is your tax rate? A. One per cent on the assessed valuation.

Q. That is the city tax? A. That is the city tax.

Q. You have two taxes, the city and county, and you levy them separately? A. Yes, sir; there is a town and county tax.

By Mr. IVINS:

Q. What is the assessed valuation? A. Three million six hundred thousand dollars, I think it is.

Q. What is the basis of assessment, forty, fifty, sixty, seventy or eighty per cent of the actual value of the property? A. It is full value, I suppose.

Q. Are you one of the assessors? A. No, sir; that is what they claim, that is all I know about it.

Q. You have no knowledge? A. No.

By Senator HENDRICKS:

Q. I suppose you mean that they assess pretty nearly to the full value? A. I suppose that it is intended to assess to pretty near the actual cash value, to sell under the hammer.

WILBUR F. PORTER, was then sworn, and testified as follows:

By Mr. IVINS:

Q. Are you the present mayor of Watertown? A. Yes.

Q. How long have you been mayor of Watertown? A. I am on my second term for the last stage; I had been mayor prior to that for three terms.

Q. Did you ever receive this list of interrogatories from the committee. A. I received communications from this committee and I have no doubt these are the ones.

Q. Why hadn't you answered those questions? A. I took the communications which I received from this committee and presented them at a meeting of the common council of the city of Watertown; a

resolution was passed at the meeting directing the chamberlain of the city to make answer to these interrogatories, and since that time I have heard nothing.

By Senator HENDRICKS:

Q. Did you suppose they had been answered? A. Yes, sir; until I was subpœnaed here.

By Senator FASSETT:

Q. Didn't you get any further letters? A. That was after I received the last communication saying that unless the questions were answered they would have to trouble some one to come down.

Q. That letter was signed by me, wasn't it? A. I do not know, I presume so.

Q. Was it signed by Mr. Fassett? A. I do not remember, but at any rate, it stated that unless the questions were answered they would have to trouble some person to come down; immediately after that at the meeting of the council, I presented the papers, and had a resolution passed directing the chamberlain to make the proper answers.

Q. The interrogatories had been in your possession at that time about nine months? A. I can not say how long.

By Mr. IVINS:

Q. Were you mayor a year ago in February? A. Yes, sir.

By Mr. IVINS:

Q. Then they had been in your possession over a year.

By Senator HENDRICKS:

Q. Have you got the answers to the interrogatories now? A. I have not; no, sir; I was subpœnaed on Friday and had not time after that to make out any; some of these documents that you call for would not be in our possession to transmit, I don't think.

Q. Which, for instance? A. To transmit a copy of the last annual report of the comptroller and auditor.

By Mr. IVINS:

Q. Of the city treasurer? A. Yes, sir; those are in our possession.

Q. There is nothing there which is not based on the books of the city? A. They are a matter of record, you know, on the books.

Q. Don't you publish an auditor's report in your city? A. Yes.

Q. Can't you transmit to us a copy of the printed auditors report? A. Yes; I could do that.

Q. Do you print the comptroller's report? A. We have no comptroller; our city treasury is under the head of what is called the chamberlain; he makes an annual report, and makes a report of the condition of the finances at every meeting of the council which occurs on the first and third Tuesdays in each month.

Q. Are those reports printed? A. Summaries of them are printed in the reports of the meetings.

Q. Does he make a consolidated report at the end of the year? A. Yes, sir.

Q. Then that we can have a copy of? A. Yes.

Mr. IVINS.—There is no question which is not based upon the facts which should appear plainly upon the book of the city.

By Senator HENDRICKS:

Q. You say that you have not any answers to those questions; you are not prepared to answer them now? A. I think I am prepared to answer all these questions except furnishing these copies of the reports that are called for; I can tell you all I know in a very few minutes.

By Mr. IVINS:

Q. What offices in your city are filled by election by the people? A. The mayor, the members of the common council and the assessors of the city.

Q. How many members of the common council are there? A. Eight.

Q. How many assessors of the city are there? A. Three.

Q. How long does the mayor hold for? A. One year.

Q. How long do the members of the board of aldermen hold for? A. Two years.

Q. And how long the assessors? A. Three years, I think.

Q. What offices are filled by appointment by the mayor? A. The street commissioner and the mayor has the appointing power of the board of excise and the appointment of twenty commissioners of deeds for the city; I don't know as you would call those city officers.

Q. Are those appointments subject to the approval of the board of aldermen or independent of it? A. They are all subject to the approval of the aldermen, except the board of excise.

Q. There your power to appoint is absolute? A. Yes.

By Senator HENDRICKS:

Q. That is under State law and is true of all the cities?

Mr. IVINS.—Yes.

By Senator FASSETT:

Q. How about the overseer of the poor, and police and parks, and public works and fire departments? A. Excuse me, the overseer of the poor is elected; the policemen are appointed.

Q. By whom? A. By the common council; I left those out because they have been in so long and we have not had any reappointments.

Senator FASSETT.—You see that is the trouble from trying to answer those questions from memory.

By Mr. IVINS:

Q. Have you health officers? A. Yes, sir; we have a board of health.

Q. Who appoints them? A. They are appointed by the mayor.

By Senator HENDRICKS:

Q. That is another State law, too? A. Yes, sir.

Q. You have six? A. Yes, sir.

Q. And they are confirmed by the council? A. Yes, sir; and a health officer; I guess that makes the whole list.

By Senator FASSETT:

Q. Let us see, the overseer of the poor is elected by the people? A. Yes, sir.

Q. You just answered Mr. Ivins that some were appointed by the council; are they appointed by the council or confirmed by the council — the police? A. They are appointed by the council.

Q. Who nominates them to the common council — do you? A. Yes; I name them; the mayor names them.

Q. The mayor appoints them and the common council confirm the appointment? A. Yes, sir.

Q. Is that true of the chief of police? A. He is simply designated as chief.

Q. Who designates him? A. The mayor.

Q. And then are there any police commissioners? A. Yes, sir; we have a board of police commissioners.

Q. How are they created? A. I am getting a little off the track; the police department is under the direction of a board of police commissioners, which is composed of four members.

Q. Is the mayor an ex-officio member? A. The mayor is ex-officio chairman of the board.

Q. With a vote? A. With the power to make a casting vote.

By Senator HENDRICKS:

Q. How about your fire department? A. The fire department is a volunteer department, governed by its own rules and regulations, except the city pays the freight.

Q. You have been having an amendment to your charter, haven't you, creating a board of public works? A. Yes, sir; I suppose it is now a law; we have an amendment creating a board of public works, having exclusive charge of the streets, sidewalks, and crosswalks of the city, taking it entirely away from the council.

Q. How is that board appointed — by the mayor? A. Yes, sir.

Q. Confirmed by the council? A. No, sir.

Q. You have the appointment absolutely? A. It is an appointment by the mayor absolutely, four commissioners, two from each of the political parties.

Mr. IVINS.— I can go through the list here, but I don't believe it is going to result in what we want.

Senator FASSETT.— I think it would be better to ask the mayor if he will not give it his personal attention and try to give us an answer from the records to those interrogatories and send it to us.

The WITNESS.— I will do the best I can.

Mr. IVINS.— That is all that is necessary, if you will do the best you can.

Senator FASSETT.— We do not want to be a nuisance to you people up there or to bring the chamberlain and books down to Albany or down here and I don't suppose you personally want to embarrass us.

The WITNESS.— Not at all; I have a little something to do up in that northern region and when I put this over to my council I supposed that I was entirely doing my duty.

Senator FASSETT.— You see we are pretty busy men too.

The WITNESS.— I will try to give you any information I can; you have asked a good many questions here.

Mr. IVINS.— We have asked the people in New York a good many more; if you will send us the answers to the interrogatories as quickly as possible that will be all we will require.

JOHN D. KEHOE, being duly sworn, testified as follows:

By Mr. IVINS:

Q. How long have you been mayor of Oswego? A. Since the 3d of March, 1891.

Q. Who was your predecessor in office? A. Edward Mitchell.

Q. Have you ever seen that list of questions which was addressed to your predecessor in office by this committee [witness shown copy of interrogatories]? A. I don't believe I have.

Q. Has the city treasurer or the city attorney or anyone in the city government called your attention to the fact that such a list of questions had been addressed to the mayor of Oswego? A. No, sir.

Q. This, then, is your first knowledge of the existence of those questions? A. Yes, sir; I knew there was a paper there, but I didn't get it, I didn't see what it was.

Q. Were all the books and documents of the mayor's office turned over to you? A. I got the key of the room; that is all I have got as yet; I don't know what is in my possession.

Q. Have you been sworn in yet? A. Yes, sir.

Q. You haven't had an opportunity to go through the papers and see what is there or what the arrears of work are? A. No, sir.

By Senator Hendricks:

Q. You have a city treasurer? A. I think he is called the city chamberlain.

Q. And you have a city clerk? A. Yes, sir.

By Mr. Ivins:

Q. When does your city close its accounts? A. I don't know exactly what you mean.

Q. What is the end of your fiscal year? A. The first of January, I think, I am not certain.

Q. Do you know as yet whether it is customary for your city chamberlain to make a balance sheet of the city accounts at the end of the fiscal year? A. I don't know.

By Senator Hendricks:

Q. There is a statement made up at the going out of the old council and the coming in of the new administration, is there not? A. I don't know — well, about the chamberlain's books or anything like that, the finance committee come over and take a report once a month?

Q. Yes; but don't you have a report at the end of the term of his administration? A. Well, the chamberlain is in for three years.

Q. I am talking about the mayor; you are elected for one year? A. Yes, sir.

Q. At the outgoing of the old council and the incoming of the new administration, isn't there a report made by the finance committee or city treasurer or chamberlain? A. There wasn't last year.

Q. No reports have been made to you of the financial condition of the city so as to enable you to understand exactly what the financial condition of the city is? A. No, sir; I have got a report from the chamberlain in my pocket which was given to me just as I was leaving.

Q. But prior to that nothing was done? A. No, sir.

Q. That report is a financial report, isn't it? A. It shows the government of the city affairs.

By Senator FASSETT:

Q. Have you prepared answers to those questions? A. No, sir; I have never seen those questions [producing a paper]; this is the paper the chamberlain gave me; here is a paper showing the bonded debt of the city, and that paper attached to that one will show all the men working in the fire department; I hadn't much time when I left.

By Mr. IVINS:

Q. You didn't know that this list of questions had been sent to your city several times, and sent first over a year ago, and that we have had a great deal of correspondence with your city, and have urged the mayor to answer the questions, and have said that they must answer them or else they would be subpœnaed to appear here? A. No, sir; I never heard of it.

Q. If we now place a copy of these questions in your hands, is there any reason why you can not answer them within the coming week? A. Well, I don't know as I could answer them within the coming week.

Q. Is your city chamberlain the same man who was chamberlain before? A. Yes, sir; he will answer them; it may be that all the questions are already answered in the paper I produced; I will send this copy of the questions which you have given me to the city clerk and have him answer all the questions; I will sit down now and write him a letter to that effect.

The committee then adjourned subject to call of the chair.